1	CHRISTOPHER WARD, CA Bar No. 238777	
2	cward@foley.com FOLEY & LARDNER LLP	
3	555 SOUTH FLOWER STREET, SUITE 3500 LOS ANGELES, CA 90071-2411	
4	TELEPHONE: 213.972.4500 FACSIMILE: 213.486.0065	
5	JASON WU, CA Bar No. 313368	
6	jwu@foley.com FOLEY & LARDNER LLP	
7	555 CALIFORNIA STREET, SUITE 1700 SAN FRANCISCO, CA 94104-1520	
8	TELEPHONE: 415.434.4484 FACSIMILE: 415.434.4507	
9	C. D. C. L. MENZIEG	
10	Attorneys for Defendant MENZIES AVIATION, INC.	
11	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA	
12		
13		
14	D 11 M	C N 2.10 0177
15	Renaldo Navarro,	Case No. 3:19-cv-8157
16	Plaintiff,	DEFENDANT MENZIES AVIATION, INC.'S APPENDIX OF SUPPORTING
17	Vs.	EVIDENCE IN SUPPORT OF ITS MOTION AND MOTION FOR SUMMARY
18	Menzies Aviation, Inc., DOING BUSINESS AS (MENZIES; and DOES 1 through 10, inclusive,	JUDGMENT, OR IN THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT
19	Defendants.	
20		
21		State Court Action Filed: 10/23/19
22		Action Removed: December 16, 2019
23		
24		
25		
26		
27		
28		

Defendant Menzies Aviation, Inc. hereby submits this Appendix of Supporting Evidence ("AOE") with true and correct copies of the exhibits referenced below and attached hereto in support of its Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment.

Exhibit	Description	
1.	Declaration of Tracy Aguilera	
2. Declaration of Christopher Ward		
3.	Declaration of John Qually	
4.	Declaration of July Macapagal	
5.	Declaration of Jayson Manalang	
6.	Declaration of Angelo Sadiq	
7.	Declaration of Wesley Faatalale	
8.	Declaration of Roberto Pangalilangan	
9.	Declaration of Efren DeLos Reyes	
10.	Declaration of Rex Tosco	
11.	Declaration of Modesto Compas	
12. Excerpts from the Deposition Transcript of Plaintiff Renaldo Navarro taken of		
23, 2020 (authenticated in Ward Declaration at p. 2, ¶ 2 [Exhibit 2 to AOE])		
13.	Excerpts from Volume I of the Deposition Transcript of John Qually taken on July	
	27, 2020 (authenticated in Ward Declaration at p. 2, ¶ 3 [Exhibit 2 to AOE])	
14.	Excerpts from Volume II of the Deposition Transcript of John Qually taken on July	
	28, 2020 (authenticated in Ward Declaration at p. 2, ¶ 3 [Exhibit 2 to AOE])	
15. Excerpts from the Deposition Transcript of Tracy Aguilera taken on A		
2020 (authenticated in Ward Declaration at p. 2, ¶ 4 [Exhibit 2 to AOE]		
16. Excerpts from the Deposition Transcript of Raul Vargas taken on August 25, 202		
(authenticated in Ward Declaration at p. 2, ¶ 5 [Exhibit 2 to AOE])		
17.	Excerpts from the Deposition Transcript of Andrew Dodge taken on July 28, 2020	
	(authenticated in Ward Declaration at pp. 2-3, ¶ 6 [Exhibit 2 to AOE])	

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
	ı

Exhibit	Description	
18.	Fueling Supervisor Job Description (authenticated in Aguilera Declaration at p. 2, ¶	
	3 [Exhibit 1 to AOE])	
19.	Excerpts from the Menzies Aviation California Employee Handbook (authenticated	
	in Aguilera Declaration at p. 2, ¶ 4 [Exhibit 1 to AOE])	
20.	Excerpts from the Menzies Aviation International Code of Conduct (authenticated in	
	Aguilera Declaration at p. 2, ¶ 4 [Exhibit 1 to AOE])	
21.	August 16, 2018 Written Complaint submitted by Andrew Dodge with supporting	
	text message screen shot (authenticated in Plaintiff Deposition Excerpts at 55:18-	
	57:9 [Exhibit 12 to AOE] and at Dodge Deposition Excerpts at 42:9-45:21 [Exhibit	
	17 to AOE])	
22.	First Petition regarding Andrew Dodge (authenticated in in Plaintiff Deposition	
	Excerpts at 51:24-53:16 [Exhibit 12 to AOE] and Aguilera Deposition Excerpts at	
	26:10-27:1 [Exhibit 15 to AOE])	
23.	Written Statement prepared by John Qually (authenticated in Qually Declaration at	
	p. 2, ¶ 3 [Exhibit 3 to AOE])	
24.	Statement prepared by Plaintiff and submitted to Menzies (authenticated in Plaintiff	
	Deposition Excerpts at 95:9-98:10 [Exhibit 12 to AOE])	
25.	Fueler Statements submitted to Menzies during investigation (authenticated in	
	Aguilera Declaration at pp. 2-3, ¶ 5 [Exhibit 1 to AOE])	
26.	Email Chain regarding termination decision (authenticated in Aguilera Declaration	
	at p. 3, ¶ 6 [Exhibit 1 to AOE])	
27.	Second Petition regarding Andrew Dodge (authenticated in Plaintiff Deposition	
	Excerpts at 54:5-55:9 [Exhibit 12 to AOE])	

26

27

28

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	

Exhibit	Description	
28.	Photographic image of what appears to be a letter authored by Rafael Vasquez and	
	dated November 18, 2019 (authenticated in Ward Declaration at p 3, ¶ 7 [Exhibit 2	
	to AOE])	
29.	Text messages produced by Plaintiff between Plaintiff and "Rafael" (authenticated	
	in Plaintiff Deposition Excerpts at 102:20-103:6 and 104:11-17 [Exhibit 12 to	
	AOE])	

DATED: October 15, 2020 FOLEY & LARDNER LLP

Christopher Ward Jason Wu

/s/ Christopher Ward

CHRISTOPHER WARD Attorneys for Defendant MENZIES AVIATION, INC.

28

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 5 of 312

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 6 of 312

I, Tracy Aguilera, declare as follows:

- 1. I am employed by Menzies Aviation as the Human Resources Manager for the Company's operations at San Francisco International Airport ("SFO"). I have been employed by Menzies in the SFO Human Resources Department since 1997 and have held my current position as Human Resources Manager since March 2010. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I could and would competently testify thereto.
- 2. Menzies Aviation has operated at SFO for decades, competing for commercial aviation ground handling contracts with other subcontractors such as Swissport and Aircraft Service International, Inc. ("ASIG"). On February 1, 2017, Menzies Aviation, Inc. completed the acquisition of Aircraft Service International, Inc. from BBA Aviation, and thereafter continued to operate the ASIG business at SFO under the trade name Menzies Aviation. As part of that acquisition, Menzies inherited SFO ASIG employees from BBA Aviation. At the time Menzies completed this acquisition and for many years prior, the Service Employees International Union (the "Union") had represented the non-exempt Fuelers of ASIG, and the SEIU has continued to represent those Fuelers on an uninterrupted basis since the Menzies acquisition of ASIG.
- 3. One of the positions maintained by ASIG and now Menzies within the Fueling Department, both before and after the Menzies acquisition, is Fueling Supervisor. A true and correct copy of the job description for the Fueling Supervisor position after it was re-branded under the Menzies Aviation trade name is attached hereto as **Exhibit 18**.
- 4. After Menzies completed the acquisition of ASIG, it adopted and applied the Menzies Aviation employment policies and procedures to all former ASIG employees at SFO, including those in the Fueling Department. Including amongst those policies are Menzies' California Employee Handbook and its international Code of Conduct. A true and correct copy of excerpts of the California Employee Handbook are attached hereto as **Exhibit 19**, and a true and correct copy of excerpts of the Code of Conduct are attached hereto as **Exhibit 20**.
- 5. In my capacity as Human Resources Manager, my job responsibilities include maintaining as business records all the personnel file and related Human Resources material generated

- by Menzies and received by Menzies from other sources. I keep such records in my own files housed within my office, which I keep locked to ensure no unauthorized individuals can access such materials. In the course of an investigation into a petition received by Menzies regarding Andrew Dodge in August 2018, three Menzies employees provided written statements regarding the circumstances of placing their signature on that petition. These statements were prepared by Menzies employees themselves, based on their own personal knowledge, during the August 2018 time period of the investigation. I received the original copies of these three statements, filed them within Renaldo Navarro's personnel file, and retain possession of and control over the originals of these three statements in the ordinary course of my business, just as I do regularly with respect to other investigation and Human Resources/personnel-related materials. True and correct copies of these three statements provided to Menzies are attached hereto as **Exhibit 25**.
- 6. In addition to the three statements contained within Exhibit 23, as part of the investigation into the petition I referenced above, I exchanged several emails with former SFO Director of Operations Raul Vargas and former SFO Safety Supervisor Kevin Blumberg regarding the process of the investigation and potential outcomes. Following completion of that investigation and the decision to terminate Plaintiff's employment, I personally printed a copy of that email exchange and placed it into Plaintiff's personnel file, and to this day I have continued to retain possession and control over Plaintiff's personnel file and the materials therein, including the email exchange I have just described. A true and correct copy of that email exchange is attached hereto as **Exhibit 26**.
- 7. Following commencement of this litigation, I received from Menzies' legal counsel copies of a letter appearing to be authored by Union steward Rafael Vazquez and what look like text messages between Plaintiff and Mr. Vasquez. I do not recall ever seeing these documents prior to commencement of this litigation, and Menzies does not have copies of these documents either within Plaintiff's personnel file or any other record.

25 || ///

26 | ///

27 | ///

28 | ///

1
 2
 3

I declare under penalty of perjury under the laws of the States of California, and the laws of the United States, that the foregoing is true and correct.

Executed on October 14, 2020 at Burlingame, California.

Tracy Aguilera

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 10 of 312

1 2 3 4 5 6 7 8 9	CHRISTOPHER WARD, CA Bar No. 238777 cward@foley.com FOLEY & LARDNER LLP 555 SOUTH FLOWER STREET, SUITE 3500 LOS ANGELES, CA 90071-2411 TELEPHONE: 213.972.4500 FACSIMILE: 213.486.0065 JASON WU, CA Bar No. 313368 jwu@foley.com FOLEY & LARDNER LLP 555 CALIFORNIA STREET, SUITE 1700 SAN FRANCISCO, CA 94104-1520 TELEPHONE: 415.434.4484 FACSIMILE: 415.434.4507		
10	Attorneys for Defendant MENZIES AVIATION, INC.		
11	UNITED STATES DISTRICT COURT		
12	NORTHERN DISTRICT OF CALIFORNIA		
13			
14	Renaldo Navarro,) Case No. 3:19-cv-8157	
15	Plaintiff,)) DECLARATION OF CHRISTOPHER	
16	Vs.) WARD	
17	Menzies Aviation, Inc., DOING BUSINESS AS		
18	MENZIES; and DOES 1 through 10, inclusive,		
19	Defendants.	State Court Action Filed: 10/23/19	
20		Action Removed: December 16, 2019	
21			
22			
23			
24			
25			
26			
27			

DECLARATION OF CHRISTOPHER WARD

I, Christopher Ward, declare as follows:

- 1. I am an attorney admitted to practice before all state and federal courts in the State of California, including the United States District Court for the Northern District of California, and a partner at Foley & Lardner LLP, counsel of record for Defendant Menzies Aviation, Inc. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I could and would competently testify thereto.
- 2. On July 23, 2020, I took the deposition of Plaintiff Renaldo Navarro. Following that deposition, I received a certified copy of the transcript of that deposition, and I have read, reviewed and maintained a copy of that transcript in connection with this matter. A true and correct copy of excerpts from the transcript of Plaintiff's deposition is attached hereto as **Exhibit 12**.
- 3. On July 27, 2020, Plaintiff's counsel deposed Menzies' Duty Manager John Qualley for a first time, and on July 28, 2020, Plaintiff's counsel completed the deposition of Mr. Qually. Following those depositions, I received a certified copy of the transcripts of both deposition, and I have read, reviewed and maintained a copy of those transcripts in connection with this matter. A true and correct copy of excerpts from Volume I of the transcript of Mr. Qually's deposition is attached hereto as **Exhibit 13**, and a true and correct copy of excerpts from Volume II of the transcript of Mr. Qually's deposition is attached hereto as **Exhibit 14**.
- 4. On August 25, 2020, Plaintiff's counsel deposed Menzies' Human Resources Manager Tracy Aguilera. Following that deposition, I received a certified copy of the transcript of the deposition, and I have read, reviewed and maintained a copy of that transcript in connection with this matter. A true and correct copy of excerpts from Ms. Aguilera's deposition is attached hereto as **Exhibit 15**.
- 5. On August 25, 2020, Plaintiff's counsel deposed Menzies' former SFO Director of Operations Raul Vargas. Following that deposition, I received a certified copy of the transcript of the deposition, and I have read, reviewed and maintained a copy of that transcript in connection with this matter. A true and correct copy of excerpts from Mr. Vargas's deposition is attached hereto as **Exhibit** 16.
 - 6. On July 28, 2020, Plaintiff's counsel deposed Menzies' Fueling Supervisor Andrew

Dodge. Following that deposition, I received a certified copy of the transcript of the deposition, and I have read, reviewed and maintained a copy of that transcript in connection with this matter. A true and correct copy of excerpts from Mr. Dodge's deposition is attached hereto as **Exhibit 17**.

7. On March 17, 2020, Plaintiff's counsel served on me Plaintiff's Fed. R. Civ. P. 26(a)(1) Initial Disclosures, which included a production of 14 total documents. One of those documents, Bates marked "Renaldo Navarro 000009" appears to be a picture of a letter authored by a Rafael Vasquez. I had never seen this document prior to receiving Plaintiff's Initial Disclosures production because it was not part of any of the files Menzies Aviation provided me in response to my file requests regarding Plaintiff. A true and correct copy of "Renaldo Navarro 000009" produced to me by Plaintiff's counsel is attached hereto as **Exhibit 28**.

I declare under penalty of perjury under the laws of the States of California and Illinois, and the laws of the United States, that the foregoing is true and correct.

Executed on October 15, 2020 at Elmhurst, Illinois.

/s/ Christopher Ward
Christopher Ward

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 14 of 312

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 15 of 312

DECLARATION OF JOHN QUALLY

I, John Qually, declare as follows:

- 1. I am employed by Menzies Aviation as a Duty Manager for the Company's operations at San Francisco International Airport ("SFO"). I have been employed by either Menzies or a predecessor business known as ASIG at SFO since approximately 2005 and have held my current position as Duty Manager for approximately four years. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I could and would competently testify thereto.
- 2. In the August 2018 time period, I typically worked the morning shift and would take the handoff for my responsibilities from employees coming off the graveyard shift. As a consequence, I did not often work directly with Plaintiff Renaldo Navarro and most of my interactions with him occurred during this "handoff" between the graveyard and morning shifts. Because Plaintiff worked the graveyard shift and I handled the morning shift, I was asked by Menzies to notify Plaintiff that he had been suspended in August 2018 pending an investigation.
- 3. After I notified Plaintiff of the suspension on or about August 23, 2018, I immediately prepared a written statement summarizing what I remembered as the information communicated to Plaintiff by me during that interaction. After preparing that statement, I provided it to Menzies management for inclusion in the investigation records. A true and correct copy of the written statement I prepared is attached hereto as **Exhibit 23**.

I declare under penalty of perjury under the laws of the States of California, and the laws of the United States, that the foregoing is true and correct.

Executed on October 14, 2020 at Burlingame, California.

John Qually

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 17 of 312

DECLARATION OF JULY MACAPAGAL

I, July Macapagal, hereby state and declare as follows:

- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueling Supervisor, a title that I have held since approximately 2017. Prior to that, I held the title of Fueler with ASIG. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. I am familiar with Renaldo Navarro. Around August 2018, Mr. Navarro was a Fueling Supervisor for Menzies at SFO.
- 3. Around 2018, I learned that there was a petition being circulated regarding Andrew Dodge, another Fueling Supervisor for Menzies at SFO. I had heard that the petition was being circulated to make complaints about Dodge.
- 4. I signed the signature page that was being circulated in connection with the petition. By signing it, I believed I was saying that there should be some corrective action to address fuelers' complaints with Dodge. I did not sign the petition with the goal of demoting or removing Dodge. I never saw or read the petition itself. I only saw and signed the signature page. I also never asked any other Fueler to sign the petition nor otherwise took steps to support it beyond my own signature, as I thought it would be inappropriate for me, in my role as Supervisor, to do so.
- 5. I knew that some of the fuelers I supervised had problems with how Dodge ran his operation. Because of that, I felt pressure to sign the signature page so that I could back up and support my fuelers. I also felt pressured to sign the signature page because Navarro had trained me when I was a Fueler, and I felt like I needed to back him up because of what he had done for me. I reported to Menzies in 2018 when asked that I felt pressured to sign the petition.
- 6. My best recollection, which I cannot say with complete certainty, is that Navarro was one of the individuals driving the petition. I believe this because Navarro was constantly

complaining about Dodge behind his back. Navarro and Dodge used to get along well, but after Dodge was promoted to Fueling Supervisor, Navarro and Dodge would constantly get into arguments. In my opinion, both of their behaviors were childish but it did appear to me that Navarro had it out for Dodge and was regularly taking actions that undermined Dodge.

- 7. I informed Tracy Aguilera, who works in Menzies' Human Resources Department, that I felt pressure to sign the signature page as noted above.
- 8. I did not have any problems with Dodge abusing his authority or harassing me, and I am not aware of Dodge abusing his authority towards fuelers or harassing fuelers. I have never complained to Menzies or anyone else about harassment from Dodge. I am also not aware of any other Fueler expressing concerns about alleged harassment from Dodge
- 9. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 11 th day of September 2020, at San Francisco, California.

July Macapagat

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 20 of 312

DECLARATION OF JAYSON MANALANG

- I, Jayson Manalang, hereby state and declare as follows:
- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueler, a title that I have held since 1997 (prior to 2017, I held this title with ASIG). I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. I am familiar with Renaldo Navarro. Around 2018, Mr. Navarro was a Fueling Supervisor for Menzies at SFO.
- 3. When Mr. Navarro was employed by Menzies, Mr. Navarro approached me with a petition while I was on duty at Menzies and asked me to sign it. He told me it was a petition against Andrew Dodge to teach him a lesson. I told Mr. Navarro, no, I did not want to sign the petition. I ignored him and made myself busy doing my job so he could not ask me to sign again. I did not want to sign the petition, because I did not want to get involved or get in trouble, because Mr. Navarro and Mr. Dodge were both supervisors.
- 4. After that, Mr. Navarro asked me one or two more times to sign the petition again. The last time Mr. Navarro asked me, I signed the petition. I did not want to sign the petition. I only signed the petition so that Mr. Navarro would stop bothering me.
- 5. I felt pressured by Mr. Navarro to sign the petition. I felt pressured because Mr. Navarro was a supervisor, and I was worried he would give me a hard time for not signing the petition.
- 6. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 4th day of September 2020, at San Francisco, California.

yson Manalang)

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 23 of 312

DECLARATION OF ANGELO SADIQ

- I, Angelo Sadiq, hereby state and declare as follows:
- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"), and have worked for Menzies at SFO since approximately August 2017. In 2018, my job title at Menzies was Fueler. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. I am familiar with Renaldo Navarro. Around 2018, Mr. Navarro was a Fueling Supervisor for Menzies at SFO.
- 3. In 2018, Mr. Navarro approached me with a paper that had the several signatures on it, and he asked me to sign it. Mr. Navarro did not explain to me what I was signing. However, I had previously seen many similar signature pages before relating to the company, such as safety protocol documents, that fuelers would have to sign. I assumed that Mr. Navarro was collecting signatures for a similar reason, and signed the paper without asking Mr. Navarro what it was for.
- 4. Later the same day, I learned from other fuelers that the signatures were being used as part of a petition against Andrew Dodge.
- 5. If I had known that the signatures were being used as part of a petition against Andrew Dodge, I would not have signed it, because I did not want to get involved in that.
- 6. Later that day, I spoke with Isiah Banks, another fueler, and he said he also signed a signature page without knowing what it was for. I informed Mr. Banks that I had learned from other fuelers that the signatures were being used as part of a petition against Andrew Dodge. Mr. Banks also stated that if he had known this beforehand, he would not have signed the signature page.
- 7. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign

it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 4th day of September 2020, at San Francisco, California.

Angelo Sadiq

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 26 of 312

DECLARATION OF WESLEY FAATALALE

- I, Wesley Faatalale, hereby state and declare as follows:
- 1. Around August 2018, I was employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). My job title at Menzies at that time was Fueler. I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. I am familiar with Renaldo Navarro. At the time around August 2018, Mr. Navarro was a Fueling Supervisor for Menzies at SFO.
- 3. In 2018, Mr. Navarro approached me with a petition while I was waiting to clock out at Menzies and asked me to sign the petition. I reviewed the petition and saw that it was a petition to remove Andrew Dodge from his job at Menzies. I did not feel comfortable signing the petition, and I told Mr. Navarro that I would not sign it.
- 4. The next day, Mr. Navarro approached me again with the petition while I was waiting to clock out. This time, instead of asking me, he told me to look at the petition and sign it.
- 5. Again, I did not want to sign the petition and did not feel comfortable signing the petition that Mr. Navarro presented to me. However, I felt pressured by Mr. Navarro to sign the petition because he was approaching me for a second time, and he was telling me to sign the petition more sternly this time. I also felt pressured by Mr. Navarro to sign the petition because he was a Fueling Supervisor, and I was a Fueler.
- 6. I also saw Mr. Navarro approach approximately 10-15 other Fuelers with the petition. It looked to me that Mr. Navarro was taking the same approach with those individuals by instructing them to sign the petition. Approximately 5-10 of those Fuelers stated they would not sign the petition. Sometime after, Mr. Navarro again approached the 5-10 Fuelers who stated they would not sign the petition, and asked them to sign the petition again. I do not know whether those 5-10 Fuelers signed.
 - 7. I also spoke with three Fuelers at the time, James Johnson, Rohit Kumar, and

Malik, regarding the petition that Mr. Navarro asked me to sign. All three of them stated that Mr. Navarro asked them to sign a petition. All three of them did not want to sign the petition.

8. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 4th day of September 2020, at San Francisco, California.

Wesley Faatalale

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 29 of 312

DECLARATION OF ROBERTO PANGALILINGAN

- I, Roberto Pangalilingan, hereby state and declare as follows:
- I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueler, a title that I have held for approximately 10 years (prior to 2017, I held this title with ASIG). I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. Some time ago, another fueler named Jezen Canlas approached me with a petition regarding Andrew Dodge. I read the petition and signed it. My only reason for signing it was based on operational concerns and not Dodge's manner of communicating or working with Fuelers.
- 3. I like Dodge and his manner of communicating with Fuelers and others, but sometimes he does things differently from other supervisors. Sometimes, he sets up the flights too close, so I have heard that Fuelers have to skip their breaks. I personally never had a problem with breaks, but I heard about other Fuelers not getting breaks.
- 4. I did not have any problems with Dodge abusing his authority or harassing me and have never complained to Menzies or anyone else about harassment from Dodge. I am also not aware of any other Fueler expressing concerns about alleged harassment from Dodge.
- 5. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this <u>//</u> th day of September 2020, at San Francisco, California.

Roberto Pangalilingan

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 32 of 312

DECLARATION OF EFREN DELOS REYES

- I, Efren DeLos Reyes, hereby state and declare as follows:
- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueler, a title that I have held since 1995 (prior to 2017, I held this title with ASIG). I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. In 2018, another Fueler named Jezen Canlas approached me with a petition regarding Andrew Dodge. I read the petition and signed it. My only reason for signing it was based on operational concerns and not Dodge's manner of communicating or working with Fuelers.
- 3. Before his promotion to Fueling Supervisor, Dodge was a good Fueler. However, in my opinion Dodge was not completely ready to be promoted to Fueling Supervisor because he was still learning how to run the show and organize the schedules of Fuelers and flights.
- 4. I did not have any problems with Dodge abusing his authority or harassing me, and have never complained to Menzies or anyone else about harassment from Dodge. I am also not aware of any other Fueler expressing concerns about alleged harassment from Dodge.
- 5. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it. or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 16 th day of September 2020, at San Francisco, California.

Efren DeLos Reyes

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 34 of 312

DECLARATION OF REX TOSCO

- I, Rex Tosco, hereby state and declare as follows:
- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueler, a title that I have held for approximately 25 years (prior to 2017, I held this title with ASIG). I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. A couple of years ago, someone approached me with a signature page and asked me to sign it. I do not remember exactly who it was, but I remember feeling that I should sign the signature page because the person presenting it to me was asking me to do so and I felt that I needed to sign it.
- 3. There was no letter or anything else with the signature page. I just saw a signature page by itself. Nobody explained to me what the signature was for.
- 4. I signed the signature page so that nobody would get mad even though I did not know what it was that I was signing. I thought it was okay because other people signed it too.
- 5. I later learned that the signature was to get someone out or fired at Menzies. I did not know this before signing the signature page.
- 6. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it. or threatened me with negative consequences for deciding not to sign

it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 16 th day of September 2020, at San Francisco, California.

Rex Tosco

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 36 of 312

DECLARATION OF MODESTO COMPAS

- I, Modesto Compas, hereby state and declare as follows:
- 1. I am currently employed by Menzies Aviation ("Menzies") at San Francisco International Airport ("SFO"). Currently, my job title at Menzies is Fueler, a title that I have held for approximately 5 years (prior to 2017, I held this title with ASIG). I have personal knowledge of the facts contained in this declaration, and if called upon as a witness, I believe that I could and would competently testify to the same facts as stated in this declaration.
- 2. I am familiar with Renaldo Navarro. Around August 2018, Mr. Navarro was a Fueling Supervisor for Menzies at SFO.
- 3. Around 2018, I was approached by Mr. Navarro with a petition regarding Andrew Dodge. Mr. Navarro asked me to sign the petition and I did so. My only reason for signing it was based on operational concerns and not Dodge's manner of communicating or working with Fuelers.
- 4. I had heard complaints from some other Fuelers that they were not getting breaks when working with Dodge because of the way he set up flights. I never personally had any such problems with Dodge however.
- 5. Also, sometimes, when I called Andrew, he would not answer the phone. I heard that Andrew has sleep apnea, which may be why he did not answer the phone.
- 6. I did not have any problems with Dodge abusing his authority or harassing me and have never complained to Menzies or anyone else about harassment from Dodge. I am also not aware of any other Fueler expressing concerns about alleged harassment from Dodge.
- 7. I am executing this declaration voluntarily and of my own free will. No one at Menzies has pressured me to sign this declaration, promised me any type of benefit or positive treatment from signing it, or threatened me with negative consequences for deciding not to sign it.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct.

Executed this 30th day of September 2020, at San Francisco, California.

Modesto Compas

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 39 of 312

EXHIBIT 12

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

vs.

Case No.

3:19-cv-08157-vc

MENZIES AVIATION, INC., DOING

BUSINESS AS MENZIES; and

DOES 1 through 10, inclusive,

Defendants.

Defendants.

Webex deposition of RENALDO NAVARRO, VOLUME I, taken remotely on behalf of the Defendant, beginning at 9:41 a.m. and ending at 4:23 p.m., on Thursday, July 23, 2020, before JOANNA B. BROWN, Certified Shorthand Reporter No. 8570, RPR, CRR, RMR.

```
1
     APPEARANCES OF COUNSEL:
     FOR PLAINTIFF RENALDO NAVARRO:
 3
              LIBERATION LAW GROUP, P.C.
              BY: ARLO GARCIA URIARTE, ESQ.
              2760 Mission Street
 4
              San Francisco, California 94110
              (415) 695-1000
 5
              (415) 695-1006 Fax
 6
              arlo@liberationlawgroup.com
 7
     FOR DEFENDANT MENZIES AVIATION, INC., dba MENZIES:
              FOLEY & LARDNER LLP
 8
              BY: CHRISTOPHER G. WARD, ESQ.
 9
              555 South Flower Street, Suite 3300
              Los Angeles, California 90071-2411
              (213) 972-4500
10
              (213) 486-0065 Fax
              cward@foley.com
11
     ALSO PRESENT:
12
13
              CAROLINE CARRERA, TAGALOG INTERPRETER #301298
14
15
16
17
18
19
20
21
22
23
24
25
```

1		INDEX	
2	EXAMINATION		PAGE
3	RENALDO NAVA		17101
4			
5		BY MR. WARD	7
6		BY MR. URIARTE	115
7			-
8		EXHIBITS	
9	DEFENDANT'S		PAGE
10	Exhibit 1	Aircraft Service International Group "Incident Report" dated	
11		March 18, 2007, Bates	
		No. MENZIES_000146 (1 page)	34
12			
13	Exhibit 2	Aircraft Service International Group "Notice to Employees as to	
14		Change in Relationship," Bates Nos. MENZIES_000143 and	25
1 -		MENZIES_000144 (2 pages)	35
15	D 1 '1 '1 2		
16	Exhibit 3	Aircraft Service International Group "Incident Report" dated March 30, 2009, Bates	
17		No. MENZIES 000140 (1 page)	38
18	Exhibit 4	"Employee Coaching Document" for a May 30, 2009, warning,	
19 20	Exhibit 5	Bates No. MENZIES_000139 (1 page) "Employee Coaching Document"	39
21		for a May 18, 2010, warning, Bates Nos. MENZIES 000135 and	
22		MENZIES_000136 (2 pages)	40
23	Exhibit 6	"Employee Coaching Document" for a May 3, 2012, warning,	
23		_	41
24	Ewhibit 7	Bates No. MENZIES_000126 (1 page)	41
25	EXHIDIT /	June 30, 2013, warning document, Bates No. MENZIES_000127 (1 page)	42
			4

1		EXHIBITS	
2	DEFENDANT'S		PAGE
3		Letter to "Menzies Management"	FAGE
3	EXIIIDIL 0		
1		from Menzies fueler, Bates	
4		Nos. MENZIES_000152 -	F 4
_		MENZIES_000154 (3 pages)	54
5			
	Exhibit 9	Second petition against	
6		Andrew Dodge, Bates	
		No. MENZIES_000150 (1 page)	54
7			
	Exhibit 10	Text-message exchange, Bates	
8		No. MENZIES_000088 (1 page)	56
9	Exhibit 11	Handwritten statement by	
		Christopher Lawrence, Bates	
10		No. MENZIES_000086 (1 page)	64
11	Exhibit 12	Handwritten statement by	
		Andrew Dodge August 16, 2018,	
12		Bates No. MENZIES 000089	
			66
13			
	Exhibit 13	"Employee Performance Development,"	
14		Bates No. MENZIES 000099 (1 page)	79
15	Exhibit 14	Typed statement by John Qually,	. 5
10		Bates No. MENZIES 000084 (1 page)	82
16		baces No. MINZIES_000004 (1 page)	02
10	Exhibit 15	Set of documents produced, Bates	
17	EXIIDIC 13	Nos. RenaldoNavarro 000001 -	
1 1			0.5
1.0		RenaldoNavarro 000014 (14 pages)	95
18	- 1 11 1 . 16		
	Exhibit 16	Plaintiff's Initial Disclosures	
19		Pursuant to Federal Rule of	
		Civil Procedure 26(a)(1)	
20		(3 pages)	105
21			
22		UNANSWERED QUESTIONS	
23		PAGE LINE	
24		14 10	
25			
			5

1	Remotely; Thursday, July 23, 2020
2	9:41 a.m.
3	
4	CAROLINE CARRERA,
5	having been duly sworn, translated English into
6	Tagalog and Tagalog into English as follows:
7	
8	RENALDO NAVARRO,
9	having been duly sworn, was examined
10	and testified as follows:
11	
12	THE REPORTER: Good morning. My name is
13	Joanna Brown. I am a California certified stenographic
14	reporter. Due to the current national emergency of the
15	COVID-19 virus, this deposition is being handled via
16	remote means.
17	Today's date is Thursday, July 23, 2020, and
18	the time is approximately 9:41 a.m. This is the
19	deposition of Renaldo Navarro in the matter of
20	Renaldo Navarro v. Menzies Aviation, Inc. This is
21	venued in the United States District Court, Northern
22	District of California. The case number is
23	3:19-cv-08157-VC.
24	At this time, I will ask counsel to identify
25	yourselves, state who you represent, and agree on the

- 1 bit earlier, is that the only time you've been a party
- 2 to a lawsuit?
- 3 A Yes, sir.
- 4 A Have you ever made any type of legal claim
- 5 against a former employer other than Menzies?
- There was, sir.
- 7 What was that?
- At Swissport. It's the name of the company,
- 9 Swissport.
- 10 Q And specifically what type of legal claim did
- 11 you make against Swissport, if it was not a lawsuit?
- 12 MR. URIARTE: I'm going to -- I'm just going
- 13 to instruct the witness not to answer right now.
- 14 Chris, can we, like, just meet and confer for
- 15 a second here?
- 16 He has a settlement agreement with Swissport,
- 17 and it has a confidentiality clause. So we cannot --
- 18 I guess what we could say is that they were
- 19 employment-related claims with regards to his
- 20 employment at Swissport.
- MR. WARD: Okay. May I -- did he -- what I'd
- 22 like to know is if Mr. Navarro made any type of
- 23 administrative claim against Swissport or if it was
- 24 purely a private settlement prior to any type of formal
- 25 action.

- 1 MR. URIARTE: It was a private settlement.
- 2 Yeah.
- MR. WARD: Okay. We are going to need to come
- 4 back to that, but I'll move on at the moment.
- 5 Let me ask, what is the approximate date of
- that settlement agreement?
- 7 A What's that for? Swissport?
- 8 Yes. What is the date of that settlement
- 9 agreement, approximately?
- I no longer -- I'm no longer sure about 2013
- 11 or '14. I no longer remember, 2014, 2013, 2015, like
- 12 that.
- 13 Q Is it your belief that -- well, strike that
- 14 question. Were you --
- 15 Was your employment with Swissport terminated
- 16 involuntarily?
- 17 MR. URIARTE: Yeah. I mean, Chris, I don't
- 18 want to make this process difficult. I'm just not
- 19 certain as we sit here whether he'd be violating his
- 20 confidentiality agreement if he answered that, you
- 21 know. I'm not certain with regards to that. Look, if
- 22 I can send to you a copy of the settlement agreement, I
- 23 would, but I'm just not -- I think we have a notice
- 24 requirement with regard to that. We would have to
- 25 notify Swissport before we divulge.

- 1 MR. WARD: All right.
- 2 Q Mr. Navarro, is it your belief that if you
- 3 make legal claims against a former employer, that you
- 4 are likely to get a settlement from them?
- 5 MR. URIARTE: Objection. Vague and ambiguous.
- 6 Calls for a legal conclusion.
- 7 THE INTERPRETER: Sorry. Vague and ambiguous
- 8 and what? What's the other one?
- 9 MR. URIARTE: Calls for a legal conclusion.
- 10 You can answer, Mr. Navarro, if you
- 11 understand.
- 12 THE WITNESS: Yes. Please repeat.
- 13 BY MR. WARD:
- My question is, is it your belief that if you
- 15 make legal claims against a former employer, you are
- 16 likely to get a settlement?
- 17 A Yes, sir.
- Is that what you are doing in this lawsuit?
- 19 A Yes, sir.
- 20 O Is it your belief that employers are likely to
- 21 give you a settlement if you make claims against them
- 22 regardless of the merit of those claims?
- 23 MR. URIARTE: Objection. Calls for a legal
- 24 conclusion. Vague and ambiguous.
- 25 THE WITNESS: Please repeat the question

1 again. 2 MR. WARD: Sure. 3 Is it your belief that if you make legal Q claims against a former employer, you are likely to get 4 5 a settlement from them regardless of the merit of those 6 claims? 7 A Yes, sir. 8 MR. URIARTE: Mr. Navarro, are you 9 understanding the Tagalog interpretation? 10 THE WITNESS: (Inaudible.) 11 MR. URIARTE: You have to answer in Tagalog. 12 MR. URIARTE: Yeah. I mean, I have --13 THE INTERPRETER: Just a second. Let me 14 interpret that. 15 THE WITNESS: It seems it's far from my 16 understanding in Tagalog. 17 MR. URIARTE: I think -- Ms. Carrera, I understand your proficiency and your amazing use of the 18 official, traditional, government-level Tagalog, but 19 it's sure not what usual, normal people in Tagalog 20 21 would use in the street. There are two forms of 22 There's the Tagalog that is normally used Tagalog. 23 around the country by normal people, but when you use words like (speaks Tagalog) -- I went to a university 2.4 25 there, and I spoke formal Tagalog; but normal people

1 Q And did you graduate? 2 Α Are you asking how long? How long, sir? 3 Yes. Q 4 Α Yes, sir. 5 Did you attend any type of college or 6 university in the Philippines? 7 Yes, sir. Α 8 Where was that? Q 9 Philippine College of Criminology, but I did not finish it. 10 Any other type of schooling in the Philippines 11 Q other than high school and what you just mentioned 12 13 prior to moving to the United States? 14 No more, sir. 15 Can you please identify for me all of your 16 employers prior to Menzies Aviation since you 17 arrived -- well, let me start over. 18 After you moved to the United States, can you 19 please list all of your employers up to Menzies. 20 In 2005, when I got here, I worked at Service Fair part-time -- oh, Service Air part-time. 21 22 2005, in September, I started at ASIG Aviation. In 23 2005, where I worked for, it was purchased by 24 Swissport. It was purchased in 2015 by Swissport, and

in 2016, ASIG was purchased by Menzies.

25

- 1 Q Did I understand you correctly that you worked
- 2 for ASIG -- you've had two different periods of time
- 3 where you were employed by ASIG?
- 4 A What do you mean two different times?
- 5 Q So let me do it this way: First you -- first
- 6 you started at Service Air; right?
- 7 A Yes, sir.
- 8 Q And did you remain employed by Service Air up
- 9 to when Swissport purchased Service Air?
- 10 THE INTERPRETER: Please repeat the question.
- MR. WARD: Sure.
- 12 From when he started at Service Air until the
- 13 purchase by Service Air of Swissport, was he
- 14 continuously employed by Service Air?
- THE WITNESS: Yes, it was continuous.
- 16 BY MR. WARD:
- Okay. And then, when you started your
- 18 employment with ASIG in approximately 2016, was that
- 19 the first time you had worked for ASIG?
- A What I did was work in 2005 at ASIG up to 2016
- when Menzies purchased ASIG, and I continuously worked
- for them.
- 23 Q I see. You were working for both Service Air
- 24 and ASIG at the same time?
- 25 A Yes, sir. I'm sorry. Different. They were

different. 1 2 Okay. Did you ever have any type of 3 supervisory job at Service Air? 4 THE INTERPRETER: Please repeat the question. 5 MR. WARD: Sure. 6 Q At Service Air, did you have any type of supervisory responsibilities? 8 Α No, sir. The only supervisory job you've had was at 9 ASIG and Menzies; right? 10 11 Yes, sir. Α 12 Have you ever declared bankruptcy? 13 Α No, sir. 14 Have you ever been convicted of a felony in 15 the United States? 16 Α No, sir. 17 And you understand that Menzies purchased ASIG 18 at some point a couple of years ago; correct? 19 A 2016, sir. 20 While you were employed by ASIG, you were promoted to supervisor; right? 21 22 Yes, sir. A 23 And at that time, were you given additional 24 job responsibilities as a supervisor? 25 A Yes, sir.

- 1 What did you understand those additional
- 2 responsibilities to include?
- 3 A First of all, with people. Before you were
- with people and then you had to handle people, and
- 5 then -- and also, with the flight, you should be able
- to distribute it to the people equally.
- And when you say "distribute," are you talking
- 8 about distributing the amount of work across the people
- 9 you supervise equally?
- 10 A Yes, sir.
- 11 Q The supervisory job that you received at ASIG,
- 12 was it fuel?
- 13 THE INTERPRETER: I'm sorry. Was it what?
- 14 Hello?
- MR. URIARTE: There's an audio issue.
- 16 THE INTERPRETER: I didn't get the complete
- 17 question.
- 18 MR. URIARTE: Chris, your screen -- Chris,
- 19 your screen shows a muted icon again.
- 20 MR. WARD: I just lost sound in here again.
- 21 Can you -- I cannot hear anything that anybody is
- 22 saying, but I think you can all hear me. Can somebody
- 23 nod their head yes.
- MR. URIARTE: Yes.
- THE INTERPRETER: Yes, yes.

```
1
              MR. URIARTE: Can we get off the record?
 2
              MR. WARD: Off the record again, please.
 3
              (Off the record.)
              MR. WARD: Are we back on the record?
 4
 5
              THE INTERPRETER: Yes, I'm here.
 6
              MR. WARD: All right. Can you read off the
     last question that I asked as well as the response.
 8
     missed all of that.
              (The record was read as follows: "The
 9
              supervisory job that you received at ASIG,
10
              was it fuel?")
11
12
              MR. WARD: All right. I couldn't hear that,
13
     and there's all kinds of background noise. Can you
14
     read the question and answer again, please.
15
              (The record was read as follows: "The
16
              supervisory job that you received at ASIG,
17
              was it fuel?")
     BY MR. WARD:
18
19
              All right. So the guestion, Mr. Navarro, the
20
     supervisory job that you had at ASIG, was it fueling
21
     supervisor?
              Yes, sir. Yes, sir.
22
23
              And is that the same job you held until your
24
     termination of employment?
25
         A
              Yes, sir.
```

- Do you consider the fueling-supervisor
- position to be part of company management?
- 3 Yes, sir. Yes, sir.
- Do you consider that fueling-supervisory
- 5 position to be a leadership role?
- A Yes, sir.
- 7 Q In your opinion, is it important for
- 8 supervisors to be at work when they are expected to be
- 9 there?
- 10 THE INTERPRETER: I didn't get the first part
- 11 of the question. Please repeat that.
- MR. WARD: Sure.
- 13 Q In your opinion, is it important for
- 14 supervisors to be at work when they are expected to be
- 15 there?
- 16 THE INTERPRETER: I'd ask that to be repeated.
- 17 Sorry. There are some breaks in the words.
- 18 BY MR. WARD:
- 19 O In your opinion, Mr. Navarro, is it important
- 20 for supervisors to be at work when they are expected to
- 21 be at work?
- 22 A Yes, sir.
- 23 Q In your opinion, is it important for
- 24 supervisors to be honest in their communications with
- their employer?

1 A Yes, sir. In your opinion, is it important for 2 3 supervisors to follow company policy? 4 A Yes, sir. 5 0 In your opinion, is it important for 6 supervisors to set a positive example for 7 nonsupervisory employees? 8 MR. URIARTE: Objection. Vaque and ambiguous. 9 You can answer, Mr. Navarro. 10 THE WITNESS: Yes, sir. 11 BY MR. WARD: 12 In your opinion, is it important for a 0 13 supervisor to support the other members of company 14 management? 15 A Yes, sir. In your opinion, is it important for 16 0 17 supervisors to work effectively with other company 18 supervisors? 19 Are you referring to another company, sir? 20 I'm just referring to, in a supervisory Q capacity, is it important -- is it important, in your 21 22 opinion, to work effectively with other supervisors? 23 Yes, sir. A 2.4 In your opinion as a supervisor, is it 25 important to avoid undermining the authority of other

```
1
     supervisors?
 2
              THE INTERPRETER: This is the interpreter. I
 3
     would like to consult a word first.
 4
              MR. WARD: Sure.
 5
              THE WITNESS: Please repeat that, sir.
 6
              MR. WARD: Sure.
7
              As a supervisor, in your opinion, is it
8
    important not to undermine the authority of other
9
     supervisors?
10
         A
             Yes, sir.
11
              As a supervisor, is it appropriate, in your
         Q
12
     opinion, to involve nonsupervisory employees in
13
     personal disputes?
              MR. URIARTE: Objection. Vague and ambiguous.
14
15
     Chris, did you say other supervisors or other
16
    nonsupervisors?
17
              MR. WARD: I will have the reporter repeat my
18
     question, please.
19
              (The record was read as follows: "As a
20
              supervisor, is it appropriate, in your
21
              opinion, to involve nonsupervisory
              employees in personal disputes?")
22
23
              THE WITNESS: Yes, sir. That's correct.
2.4
     BY MR. WARD:
25
         Q
              And as a supervisor, should you avoid
                                                              30
```

1 involving nonsupervisory employees in personal 2 grievances? 3 A Yes, sir. 4 As a supervisor, should you avoid pressuring 5 employees to get involved in personal grievances? 6 A Will you please repeat the question again. 7 Sure. As a supervisor, is it important to 8 avoid pressuring employees, nonsupervisory employees, 9 to get involved in personal grievances? 10 MR. URIARTE: Before you answer that question, 11 Mr. Navarro, remember the instruction earlier. If you 12 do not understand the question that is said in Tagalog, 13 indicate that if you are having a problem with the 14 Tagalog interpretation. Do say that so that we know 15 where the problem is. I just want to make sure that you do that. Okay? Great, Mr. Navarro. 16 17 THE INTERPRETER: This is the interpreter 18 speaking. I would like to have the question, please, 19 repeated. 20 MR. WARD: Sure. My question is, in your opinion, should a 21 0 22 supervisor avoid pressuring nonsupervisory employees to become involved in personal disputes? 23 2.4 A No, sir. 25 Q Why not?

- 1 A For example, it's my own problem. Why should 2 I involve them in my own problem? 3 Q And if you had a conflict with another 4 supervisor, in your opinion, should non- -- scratch 5 that. Start over. 6 As a supervisor, if you have a conflict with 7 another supervisor, is it your understanding that 8 nonsupervisory employees should not be brought into 9 that problem? 10 THE INTERPRETER: Should that be -- I'm sorry. 11 Chris, should not be what? 12 MR. WARD: I'll just ask a different question 13 again. THE INTERPRETER: Okav. 14 15 BY MR. WARD: 16 0 As a supervisor, is it your understanding that 17 you should not bring nonsupervisory employees into 18 conflicts you have with another supervisor? 19 A That's correct, sir. 20 As a supervisor, if you ask a nonsupervisory 0 employee to sign something, do you think you should 21 22 first explain to the employee what you are asking them 23 to sign?
 - 32

THE INTERPRETER: Just a second. I have to

2.4

25

translate this again.

- THE WITNESS: That's correct, sir.
- 2 BY MR. WARD:
- 3 Q In your opinion, if a company has an opinion
- 4 that a supervisor has been pressuring nonsupervisory
- 5 employees --
- 6 THE INTERPRETER: This is the interpreter.
- 7 It's breaking up.
- 8 MR. WARD: I'll try again.
- 9 THE INTERPRETER: Go ahead.
- 10 BY MR. WARD:
- 11 Q In your opinion, if a company has a good-faith
- 12 belief that a supervisor has been intimidating
- 13 nonsupervisory employees, would that be a valid basis
- 14 for termination of the supervisor?
- 15 MR. URIARTE: Objection. Calls for a legal
- 16 conclusion. Vague and ambiguous.
- 17 THE WITNESS: I think it depends, sir.
- 18 BY MR. WARD:
- 19 Q What would it depend upon?
- 20 A It depends on what the employee wants to tell
- 21 them on what intimidation the employee is talking
- 22 about.
- 23 Q In your opinion, is it important for employees
- 24 to take responsibility for their errors?
- THE INTERPRETER: Please repeat that.

- 1 MR. WARD: Sure. In your opinion, is it important for employees 3 to take responsibility for their errors? 4 A Yes, sir. 5 Okay. I'm going to do my best to see if we 6 can make this work. I am sharing a document that I am going to mark as Exhibit 1 to your deposition. 8 Are you able to see that? 9 Α Yes, sir. 10 Q Are you able to see the full exhibit -- the full page? 11 12 Α No, sir. Just the date of incident, sir. 13 How about now? Q 14 Α Yes, sir. 15 (Deposition Exhibit 1 was marked for 16 identification, a copy of which is 17 attached hereto.) 18 BY MR. WARD:
 - 19 Q Have you ever seen Exhibit 1 before?
 - 20 A No, sir.
- 21 Q To your knowledge, in March of 2007, were you
- 22 ever spoken to by a supervisor about not following
- 23 instructions?
- 24 A I don't remember anything (inaudible), what
- 25 they were instructing me.

```
1
              MR. WARD: We are off the record.
 2
              (Off the record.)
 3
              MR. WARD: Let's go back on the record.
              Mr. Navarro, are you familiar with an
     individual by the name of Andrew Dodge?
 5
 6
         A
              Yes, sir.
 7
              And at the time that you were employed by
8
     Menzies, was Mr. Dodge also a supervisor?
9
         A
              Yes, sir.
10
              And he was also a fueling supervisor; correct?
         Q
11
         A
              Yes, sir.
12
              So the same position you held; correct?
13
         A
              Yes, sir.
              Do you recall that there was some type of
14
     petition that was circulated, complaining about
15
16
     Andrew Dodge?
17
              THE INTERPRETER: I'm sorry. Complaining
     about what?
18
     BY MR. WARD:
19
20
              Complaining about Andrew Dodge?
         Q
21
         Α
              Yes, sir.
22
              And how did you first learn about that
23
     petition?
2.4
              THE INTERPRETER:
                                I'm sorry. Please repeat
25
     that.
```

- 1 BY MR. WARD:
- 2 Q Anybody else you can identify by name who
- 3 asked you to sign the petition?
- 4 A I forgot the others, but it was Jezen and
- 5 Rafael.
- O Did you sign the petition?
- 7 A Yes, sir.
- 8 Q Did you think it was appropriate to get
- 9 involved in a petition against another supervisor?
- 10 MR. URIARTE: Objection. Vague and calls for
- 11 a legal conclusion.
- 12 You can answer, Mr. Navarro. You can answer
- 13 after my objection.
- 14 THE WITNESS: Please repeat the question.
- 15 BY MR. WARD:
- The question was did you think it was
- appropriate to sign a petition against another
- 18 supervisor?
- MR. URIARTE: Same objection.
- 20 THE WITNESS: Maybe because, you know -- just
- on the right, you know.
- BY MR. WARD:
- I don't understand your answer, Mr. Navarro.
- A If we know that what they are fighting for
- 25 against Andrew Dodge is right, so why not help them and

- also help the company also --
- 2 Do you think --
- A -- to correct the wrong things that
- Andrew Dodge did.
- And do you think signing a petition about
- Andrew Dodge might undermine Andrew Dodge's authority
- 7 with nonsupervisory employees?
- 8 They are the ones who are signing that. They
- 9 know the bad things that Andrew Dodge was doing to me;
- 10 and, also, the things he was doing against the fueler,
- 11 that was not good.
- 12 Q My question is different. My question is did
- 13 you think signing a petition against Andrew Dodge might
- 14 undermine Andrew Dodge's authority?
- 15 MR. URIARTE: Objection. Vague and ambiguous.
- 16 THE WITNESS: Maybe not, sir.
- 17 BY MR. WARD:
- 18 Q Maybe not or no?
- 19 A No, no (In English).
- 20 THE INTERPRETER: This is the interpreter. I
- 21 interpreted "not" and "no" the same word.
- 22 THE WITNESS: No, sir.
- 23 BY MR. WARD:
- Q Why not?
- 25 A If what's being said is the ones that is

- 1 A Yes, sir.
- 2 Q If Andrew Dodge had complained to
- 3 nonsupervisory employees about you, do you think that
- 4 would have been appropriate for him to do so?
- 5 THE INTERPRETER: Please repeat that question.
- 6 MR. WARD: Sure.
- 7 O If Andrew Dodge had complained to
- 8 nonsupervisory employees about you, do you think
- 9 Andrew Dodge would be acting appropriately?
- 10 MR. URIARTE: Objection. Lacks foundation.
- 11 Vague and incomplete hypothetical.
- 12 THE WITNESS: It depends on him. I do not
- 13 know what he is thinking of.
- 14 BY MR. WARD:
- 15 Now, prior to signing this petition, you had
- 16 previously submitted complaints about Mr. Dodge;
- 17 correct?
- 18 Yes, sir.
- 19 O When was that?
- 20 THE INTERPRETER: The interpreter would like
- 21 to inquire.
- 22 THE WITNESS: I no longer remember. The
- 23 people told me what Andrew was doing. So I had that --
- 24 I had that reported to the superiors.
- 25 ///

- 1 THE INTERPRETER: Yeah. I stand corrected. omitted Renil. 2 3 MR. WARD: Let's strike that question. I'll 4 ask it again. 5 So other than Randy Davies, Nico, Tracy, 6 Renil, and John Qually, is there anybody else who you communicated complaints about Andrew Dodge to? 8 Α No more. 9 How much time passed, approximately, between 10 when you communicated these complaints and when you 11 signed the petition? 12 Maybe those are years. Years. 13 0 And in between when you communicated the 14 complaints and when you signed the petition, did you 15 make, yourself, any other complaints involving 16 Andrew Dodge? 17 A No more -- no, sir. 18 MR. URIARTE: Is this a good time for lunch? We have lunch being delivered. 19 20 MR. WARD: We can go maybe for another 10 or 21 15 minutes first, if that's all right. 22 MR. URIARTE: That's okay. Yeah. Maybe --23 yeah, closer to 10 hopefully.
- 51

as Exhibit 7 a document which has the Bates Nos. -152

MR. WARD: All right. I am going to mark

2.4

25

- 1 to -154. Mr. Navarro, this is a three-page document. 2 3 So let me know when you've reviewed the first page, and then I'll move to the next one. 4 5 A Yes, sir. 6 0 Okay. Can I flip to the next page? 7 MR. URIARTE: I'm trying to magnify it because 8 it's really small. Is that okay, Mr. Navarro? 9 THE WITNESS: Okav. 10 BY MR. WARD: 11 Q All right. Have you had a chance to look at 12 this first page? 13 A Yes, sir. 14 Let me know when you've had a chance to look 15 at this second page. 16 A Yes, sir. 17 And how about this third page? Have you seen 18 this? 19 A Yes. The supervisor also. 20 All right. Do you recognize this document Q
 - I've marked as Exhibit 7?
 - 22 A Yes, sir.
 - 23 And is this the petition that was presented to
 - you for signature?
 - 25 A Yes, sir.

- This first page that I have up right now, is
- 2 that what the petition looked like when it was
- 3 presented to you?
- THE INTERPRETER: Please repeat the question.
- 5 The audio is breaking up.
- BY MR. WARD:
- 7 For this first page that I have up in front of
- 8 you right now marked as -152, is that what the petition
- 9 looked like when it was presented to you?
- 10 A Yes, sir.
- And is that your signature on line 16 there on
- 12 the second page of this exhibit?
- 13 A Yes, sir.
- And you are the one who placed your signature
- 15 there?
- 16 A Yes, sir.
- 17 MR. WARD: All right. I'm going to mark this
- 18 Exhibit 8. It's Bates No. -150.
- 19 O Mr. Navarro, let me know when you've had a
- 20 chance to review this.
- THE REPORTER: Mr. Ward, can we go off the
- 22 record one moment?
- MR. WARD: Sure.
- 24 (Off the record.)
- MR. WARD: We are back on the record.

```
1
              The reporter just clarified for me that
     documents Bates No. -152 to -154 I had marked as
 2
 3
     Exhibit 7, but it should actually be 8; is that right?
              THE REPORTER:
 4
                             Yes.
 5
              MR. WARD: So then this document I have up
 6
     right now, Bates No. -150, is actually going to be
7
     Exhibit 9.
8
              (Deposition Exhibits 8 and 9 were marked
9
              for identification by the reporter,
10
              copies of which are attached hereto.)
11
     BY MR. WARD:
12
         0
              Have you had a chance to look at Exhibit 9
13
     here?
14
         A
              I already read it, sir.
15
              Prior to today, have you ever seen this
         Q
16
     Exhibit 9?
17
         A
              They gave me a copy.
18
              When you say "they," who is "they"?
         Q
19
              The shop steward gave it to me, Rafael.
20
              Did Rafael give this to you after you had
21
     signed the petition?
22
              I think this is the second petition, that this
         A
23
     is the second petition they made against Andrew Dodge.
2.4
              So is it your testimony that there were two
25
     petitions against Andrew Dodge?
```

- 1 The first one was the first one that you
- showed with my signing, and I think this is the second.
- Okay. Did you ever sign this second petition?
- I was not -- no longer able to sign it because
- 5 they already terminated me at that time.
- I see. So this, Exhibit 9, you first saw it
- 7 after your termination?
- When they terminated me and the people signed
- 9 that petition, I was given a copy by Rafael.
- 10 Q I just want to be clear though. The copy of
- 11 this, Exhibit 9 that you received from Rafael, did you
- 12 receive that before or after your termination?
- 13 A I was already terminated.
- 14 Q Okay. Did you ever have any text-message
- 15 communication with Mr. Dodge about the petition against
- 16 him?
- 17 A No, sir.
- MR. WARD: I'm going to mark this as
- 19 Exhibit 10, and this is Bates-numbered -88.
- (Deposition Exhibit 10 was marked for
- identification by the reporter, a
- copy of which is attached hereto.)
- BY MR. WARD:
- On the lower half of the page, Mr. Navarro, it
- 25 looks like a screen capture of some text messages.

1 Have you ever seen those messages before? 2 A Yes. 3 MR. WARD: I'm sorry. The reporter, can you repeat my question, please, the last one I just asked. 4 5 (The record was read as follows: "On the lower half of the page, Mr. Navarro, 6 7 it looks like a screen capture of some 8 text messages. Have you ever seen those 9 messages before?") 10 BY MR. WARD: 11 0 Where have you seen this before today, 12 Mr. Navarro? 13 A It's here. 14 So wait. Is your testimony that this is the 15 first time you've ever seen what appears to be text 16 messages? 17 I already saw that on the cell phone of the 18 supervisor. 19 All right. When you say "on the cell phone of the supervisor," what supervisor? 20 21 The cell phone that we were using. A Okay. So is it fair to state -- where it says 22 23 "Ray Navarro" on this screen capture and then there's 2.4 some messages below there, did you write that? 25 A Yes, sir.

- 1 Q At the very bottom there, where it says
- "...remember all people sign to that petition agains
- 3 you but i never submit it yet," what did you mean when
- you wrote "i never submit it yet"?
- Mhat I meant there is because the petition
- 6 letter was given to me to be submitted to Raul Vargas,
- 7 I did not submit it; but the people told me that I
- 8 should submit the petition so that they would know what
- 9 Andrew was doing.
- 10 Q Who specifically told you that you should be
- 11 the one to submit the petition?
- 12 A Because, at that meeting, Raul Vargas was
- 13 there. He was our director. He said that we -- that I
- 14 submit it --
- 15 THE INTERPRETER: Just a second.
- 16 THE WITNESS: It's just, in that meeting, I
- 17 was told "Please give this to Raul Vargas."
- 18 BY MR. WARD:
- 19 Q And my question is who is the specific person
- 20 who told you to give it to Raul Vargas?
- 21 A I was just given the petition -- the petition
- 22 letter. I don't remember the person anymore. That's
- 23 why I just gave it to Raul.
- 24 Q Why did you delay in submitting the petition
- 25 after you were asked to do so?

- 1 statement, or what purports to be a statement, provided 2 by Christopher Lawrence, stating that Renaldo Navarro 3 had you sign the papers without fully explaining to me what it was for. 4 5 Do you have any idea what Mr. Lawrence might 6 be referring to there? 7 THE INTERPRETER: What's the last name, sir, 8 again? 9 MR. WARD: Lawrence. THE WITNESS: I do not know what he's saying 10 because I was not the one who asked him to sign. So I 11 12 do not know what he wrote here. 13 BY MR. WARD: 14 Did you ever provide any type of papers to 15 Mr. Lawrence and ask him to sign them? 16 Α No, sir.
- 17 Do you have any personal knowledge whether
- 18 Mr. Lawrence provided this statement to Menzies?
- 19 I do not know any.
- 20 Do you have any reason to dispute whether
- 21 other fuelers provided statements to Menzies regarding
- 22 their disagreement with the petition against Mr. Dodge?
- 23 MR. URIARTE: Objection. Vague and ambiguous.
- 2.4 THE WITNESS: I do not know any of that.
- 25 ///

- 1 BY MR. WARD:
- 2 O Are you aware that Mr. Dodge made a complaint
- 3 to Menzies about you?
- 4 A I do not know.
- 5 MR. WARD: I'm going to mark as Exhibit 12
- 6 what is Bates No. -89.
- 7 (Deposition Exhibit 12 was marked for
- 8 identification by the reporter, a
- 9 copy of which is attached hereto.)
- 10 MR. URIARTE: What was the Bates number?
- MR. WARD: This is -89.
- MR. URIARTE: Thank you.
- 13 BY MR. WARD:
- 14 Q Let me know when you've had a chance to review
- 15 this, Mr. Navarro.
- 16 A Yes, I've read it already.
- 17 Q Have you ever seen this document before today?
- 18 A That's right.
- 19 MR. URIARTE: Okay. Mr. Navarro, I want you
- 20 to read the whole document word for word -- okay? --
- 21 not that you've seen it, but I think the question is --
- 22 he wants you to read it, Mr. Navarro.
- MR. WARD: I think the question I asked was
- 24 had Mr. Navarro ever seen this document prior to today.
- THE WITNESS: No, sir.

- 1 BY MR. WARD:
- 2 O Okay. I'll represent to you that this is a
- 3 statement provided to Menzies by Andrew Dodge. I want
- 4 you to note in the second line there where it says
- 5 "Ray Navarro, he has been very rude to me by telling me
- 6 that the company don't need me."
- 7 Do you see that?
- 8 A Yes, sir.
- 9 Q And did you ever tell Mr. Dodge that the
- 10 company doesn't need him?
- 11 A I did not say anything like that.
- Do you see the next line where Mr. Dodge
- represents that you told him he's a bad supervisor?
- 14 A I said that due to the complaints of the
- 15 people about their breaks and not able to take their
- 16 breaks, their lunch break, and the amount of work that
- was being given to them by him.
- 18 Q So those are things that you said directly to
- 19 Mr. Dodge?
- 20 A He knows about that because he knew himself
- 21 that there were a lot of complaints about him. He
- 22 knows about what the fuelers were saying about him.
- 23 Q My question is different though. It's did you
- 24 tell those things to Mr. Dodge directly yourself?
- 25 A No, sir.

1 Q Did you ever tell him that you were a bad super- -- that he's a bad supervisor? No, sir. 3 Α 4 Did you ever tell Mr. Dodge that he causes 0 5 delays? 6 Α Please repeat that. 7 Sure. Did you tell Mr. Dodge that he -- that 8 all he does is cause delays? 9 I said that because the shift of Dodge was 10 2:00 to 6:00 and my shift was 12:00 to 6:00 and then -the shift of Dodge is 2:00 to 10:00. Those who are 11 12 going to work at 1:50, when I get them, 5:00 to 1:00 --13 those who start at 5:00 to 1:00, they told me the 14 problems. 15 So is that a yes? You told Mr. Dodge that he 0 16 causes delays? 17 Are you referring to a flight -- delayed 18 flights? 19 I'm referring to what you said directly to 20 Mr. Dodge about these various complaints. 21 Did you communicate any of these employee complaints about him to him yourself? 22 23 A The people themselves were the ones that --24 the people told me about it, and I told him also what

the people feel about him.

- 1 So it's true that you told Mr. Dodge directly
- about these various complaints that employees purported
- to have about him; correct?
- 4 Yes, sir.
- 5 Q Where Mr. Dodge writes below that that you
- 6 follow him around and love to make a big scene in front
- 7 of other workers, did you ever try -- did you ever
- 8 confront Mr. Dodge about what these employees said,
- 9 these other employees?
- 10 A No, sir.
- 11 Q Did you ever talk to Mr. Dodge at all about
- 12 these various complaints in front of nonsupervisory
- 13 employees?
- 14 A No, sir. When Dodge and I speak to each
- 15 other, we are just by ourselves.
- 16 Q Do you see where Mr. Dodge wrote that you
- 17 would follow him around and make hand gestures at him?
- 18 A Ever since, I do not follow Dodge around
- 19 because we are different shifts. I'm coming in. He's
- 20 leaving.
- 21 Q So you deny ever making hand gestures or
- 22 following Mr. Dodge around?
- 23 A I don't know anything about that. I do not do
- 24 that.
- 25 Do you see where Mr. Dodge wrote that you told

- 1 him that you would turn a petition in against him?
- A I told that to him on text.
- Okay. So that at least is something of a true
- 4 statement; right?
- 5 A How is that?
- Well, you said in the text message that you
- have a petition that you haven't turned in; right?
- Yes, sir. That's the one.
- 9 Q At some point, did you ever learn that Menzies
- 10 was investigating you based on Mr. Dodge's complaint?
- 11 A I do not know. I do not know anything about
- 12 that.
- 13 Q At some point, you learned you were being
- 14 suspended, though; correct?
- 15 THE INTERPRETER: I'm sorry. Repeat that,
- 16 Mr. Ward.
- 17 BY MR. WARD:
- 18 Q At some point after you signed the petition,
- 19 you learned that you were being suspended; correct?
- 20 A When --
- 21 THE INTERPRETER: This is the interpreter. I
- 22 would like to inquire.
- THE WITNESS: When we had the meeting, I
- 24 submitted the petition after. That day, I was on duty,
- 25 graveyard shift, and John called me, arrived. He told

- 1 me to wait for Raul Vargas, and then that was the time
- 2 Raul Vargas suspended me.
- 3 BY MR. WARD:
- And prior to that meeting, you had not
- 5 submitted this petition; is that true?
- No, sir, because -- only at that meeting
- because I have no time to go there to submit the
- 8 petition because I was working. I was working assigned
- 9 jobs.
- Okay. So you were called into a meeting;
- 11 right?
- 12 A Yes, sir. Yes, sir.
- And that was the meeting with Raul and
- John Qually that you just mentioned; right?
- 15 A He was not there. It was just Renil, Nico,
- and the other manager who was, like, a Chinese. And
- John Qually was just on the phone. He was just on the
- 18 phone.
- 19 At the time that meeting started, you had not
- submitted the petition; correct?
- 21 A Yes, sir.
- 22 Q And then did you submit the petition during
- 23 that meeting?
- 24 A Also the same location after the meeting.
- 25 Q What were you told was the reason for the

- 1 What were you told was the reason for your
- 2 suspension?
- A What Raul told me was that I should not have
- 4 signed the petition because I am with management -- I
- 5 was with management.
- Were you given any other reasons for why you
- 7 were being suspended?
- 8 No other reason was given, just that.
- 9 Q Were you presented with any type of
- 10 documentation or disciplinary notice regarding your
- 11 suspension at that meeting?
- 12 A They did not give any.
- 13 Q At any point, did you have a meeting or a
- 14 conversation with John Qually regarding your
- 15 suspension?
- 16 A No, sir. After Raul suspended me, I left.
- 17 Q So it's your testimony that at no point was
- 18 Mr. Qualley involved in any conversations or
- 19 communications with you about your suspension; true?
- 20 A I don't know any. All I know is Qually told
- 21 me that Raul will talk to me, to wait for Raul.
- 22 Q And other than Qually telling you to wait for
- 23 Raul, did Qually have any other involvement in the
- 24 communications to you about your suspension or about
- 25 your signature of the petition?

- 1 Andrew Dodge when you provided it to Raul?
- 2 A No, sir.
- When did, to your understanding, Mr. Menzies
- 4 first hear about that petition?
- 5 A Menzies learned about the petition on that day
- 6 that I gave it to them.
- 7 Q Okay. So, in other words, to your
- 8 understanding, Menzies learned about the petition from
- 9 you; correct?
- 10 A When I gave it to Raul, that's when Menzies
- 11 learned about it.
- 12 Q At the time that you learned -- I'm sorry.
- 13 After you learned that you were being suspended, did
- 14 you provide anything to Menzies in response to that
- 15 suspension?
- 16 A They had me make a letter if I would like to
- 17 repeat that again.
- And when you say "they," is that either Kevin
- or Raul that asked you to provide that letter?
- 20 A Raul told me to make a letter. Raul told me
- 21 to make the letter, and then Kevin told me what kind of
- letter it's going to be. Kevin told me to tell them
- what happened and that he will not meddle with the
- 24 people anymore -- that I will not meddle with the
- people anymore.

- 1 Q That was something you were instructed to put
- in the letter?
- That's what Kevin told me to put in the
- 4 letter, to tell them that I will not be meddling with
- 5 the people anymore like that.
- And then what, to your understanding, was
- meant by "not meddling with the people anymore"?
- 8 Maybe with regard to the petition like that.
- 9 Q What do you mean by that answer?
- 10 THE INTERPRETER: This is the interpreter. I
- 11 would like him to repeat.
- 12 THE WITNESS: I think what he wants me to say
- 13 is if, next time, they wanted to sign a petition, do
- 14 not sign that anymore.
- 15 BY MR. WARD:
- 16 Q After you were suspended, did you ever work
- 17 another shift at Menzies?
- 18 A In other words, because I could no longer go
- 19 back to the same one because of the stress that
- 20 happened to me.
- 21 Q I'm sorry. The question I asked was after you
- learned you were suspended, you never worked another
- 23 shift at Menzies; correct?
- 24 A Are you referring to Menzies, sir?
- 25 Q Yes.

1 Α Not anymore. 2 Okav. But once you started your suspension --3 right? -- the next thing that happened was you were 4 terminated. You never came back to work; right? 5 After my suspension, I was handed a 6 termination letter. 7 Okav. And in between when you started your 8 suspension and then when you were provided that 9 termination letter, you never worked another shift at 10 Menzies; right? 11 A Yes, sir. 12 How much time passed between when you learned 13 you had been suspended and when you learned you had 14 been terminated? 15 THE INTERPRETER: Please repeat that, sir. 16 MR. WARD: Sure. 17 How much time passed between when you learned 18 of your suspension from Menzies and your termination of 19 employment from Menzies? 20 After I was suspended, three days after, Tracy called me to go to her office because she was going to 21 22 tell me something. 23 Is that when you learned you had been 0 2.4 terminated, when you went to Tracy's office?

She gave me the paper, the termination letter.

25

A

- 1 Q Is that a yes?
- That's when you learned you had been
- 3 terminated, when you met with Tracy?
- 4 Yes, sir.
- 5 Q Was anybody else present at the time that you
- 6 met with Tracy other than yourself and Tracy?
- 7 A She was with a female there.
- 8 Q Was she another Menzies employer, that female?
- 9 A Maybe, sir.
- 10 Q You don't know who she was, in other words?
- 11 A No, sir.
- 12 Q So other than Tracy and this unidentified
- 13 female, nobody else was present; is that true?
- 14 A Yes, sir.
- What did Menzies tell you was the reason they
- were terminating your employment?
- A All I remember that Tracy told me was that you
- 18 should not have signed it because you were at
- management site.
- 20 And when she said you should not have signed
- it, she was referring to the petition, to your
- 22 understanding?
- 23 A Yes, sir.
- Q Were you told that there was any reason for
- 25 your termination other than signing the petition?

- 1 No more, sir.
- 2 Are you aware of any documents that would
- 3 indicate that there was a reason for your termination
- 4 other than you signing the petition?
- No, sir. What's written on the termination
- was just code of conduct.
- 7 Okay. What about with respect to the decision
- 8 to suspend your employment?
- Were you given any explanation other than you
- 10 signing the petition?
- 11 A She did not say anything -- any more.
- Are you aware of any documents that would
- indicate there was a reason for your suspension other
- 14 than your signing the petition?
- 15 A I no longer know any.
- At the time that you were informed you were
- 17 being suspended, did anybody mention anything about
- 18 your race?
- The other employees, sir.
- 20 How about anybody in Menzies management?
- 21 Did anybody say anything about your race being
- a factor in the decision to suspend you?
- 23 A Nothing was said like that by them.
- Other than with respect to your termination,
- 25 did anyone say anything -- did anyone in Menzies

1 management, rather, say anything about your race having 2 (Inaudible) in that termination? 3 THE INTERPRETER: I'm sorry. I didn't get 4 your whole question, sir. 5 MR. WARD: Sure. 6 Q With respect to termination of your 7 employment, did anyone at Menzies management say that 8 race was a factor in that termination? 9 I do not know, sir. A 10 How about with respect to your suspension? Q 11 Did anybody say your national origin was a 12 factor in the decision to suspend you? 13 A I do not know that also. 14 What about with respect to the decision to 15 terminate your employment? 16 Did anybody at Menzies say that your national 17 origin was a factor in that decision? 18 Please repeat that, sir. A 19 With respect to the decision to 20 terminate your employment, did anybody in Menzies management indicate that your national origin was a 21 22 factor in that decision? 23 I do not know, sir. A 2.4 Is it your belief that your race played any 25 role in the decision to suspend you?

1 A Yes, sir. 2 What is that belief based on? Maybe because I'm an Asian and he is white. 3 A And when you say "maybe," are you just 4 5 speculating? 6 A No, sir. 7 Do you have any evidence that supports the 8 belief that your race played a role in your suspension? 9 MR. URIARTE: Objection. Calls for a legal 10 conclusion. 11 THE WITNESS: Please repeat. Please repeat 12 the question. 13 MR. WARD: Sure. 14 Do you have any evidence that supports your 15 belief that your race played a role in your 16 termination? 17 A Yes, sir. 18 What evidence is that? Q 19 First of all, I'm Asian. He's white. Second, 20 all the problems, we have brought it up to management. And then why is it that myself, who is taking action in 21 22 behalf of the others, I am the one being terminated and 23 not himself? 2.4 I am the one taking care also of this effect 25 on management, on the company too.

1 0 Nobody ever told you, from Menzies, that your 2 race was a factor; true? 3 A No, sir. 4 Who told you that your race was a factor? 5 Yes, I've seen it because how come that -even if we tell the company about this person, nothing 6 is being done to reform, to suspend or to terminate 7 8 him. He has delays up to 20 flights a day. With us, 9 just one delay, and we hear from them. With him, there 10 would be five or six delays, but nothing is done about 11 it. 12 That doesn't answer my question, Mr. Navarro. 13 My question is who told you that your race was 14 a factor in either the termination or suspension 15 decision? 16 I see what they did to me. A 17 You are not answering my question, 18 Mr. Navarro. The question is who told you? 19 Not what you think or what you feel or what 20 you believe, but who told you? 21 I have a lot of Asian coworkers that, when A 22 they commit a mistake, they are already terminated. 23 Q Okay. And you are still not answering the 2.4 question, sir. 25 The question is who told you that your race

```
1
     was a factor in the decision to either terminate or
 2
     suspend you?
 3
              MR. URIARTE: Maybe if you quantified the
 4
     universal "who," then maybe he could more possibly --
 5
              MR. WARD: I don't need to qualify it. He can
 6
     either tell me who did it, or he can say, no, he
7
     didn't. I need an answer to the guestion I asked.
8
             MR. URIARTE: That would be great. We have,
9
    like, great easy cases. It's like management told the
10
     terminated employee "Hey, I terminated you because I'm
11
     discriminating against you." It's, like, a great
12
     question there, Chris. But other than that,
13
    (inaudible).
              MR. WARD: I'm entitled to an answer to it,
14
15
     sir.
16
              MR. URIARTE: Yeah, but the question is --
17
              (Simultaneous speaking.)
18
              MR. WARD: No. You and I can debate the
     merits of the legal system later. I want an answer
19
20
     from the witness -- who told him this? -- because he
     testified someone did.
21
22
              THE WITNESS: No one was telling me, but
23
     that's what I feel from what happened.
     BY MR. WARD:
2.4
25
              And is it true that you cannot identify any
         Q
```

```
1
     documents that say your race was a factor in the
 2
     decision to terminate or suspend you?
 3
              MR. URIARTE: Objection. Calls for a legal
     conclusion.
 4
 5
              THE WITNESS:
                           Please repeat again.
 6
              MR. WARD:
                         Sure.
 7
              Is it true that you cannot identify any
8
     document that indicates your race was a factor in the
9
     decision to terminate or suspend you?
10
              MR. URIARTE: Calls for a legal conclusion.
11
              THE WITNESS: I do not know.
12
     BY MR. WARD:
13
         0
              You do not know whether any such document
14
     exists; is that your testimony?
15
         A
              Yes, sir.
16
              And has anybody ever told you that your
         0
17
     national origin was a factor in Menzies' decision to
18
     suspend or terminate you?
19
              No, sir, but that's what I feel.
20
              And is it true that you are not aware of any
     documents that indicate your national origin was a
21
22
     factor in (inaudible)?
23
              THE INTERPRETER: I'm sorry. A factor in
2.4
     what?
25
     ///
```

```
1
    BY MR. WARD:
 2
              Is it true that you are not aware of any
 3
     documents that indicate your national origin was a
 4
    factor in the suspension or termination decision?
 5
              MR. URIARTE: Objection. Calls for a legal
 6
     conclusion.
7
              THE WITNESS: I do not know, sir.
 8
     BY MR. WARD:
9
              The letter that you are asked to provide, did
10
     you provide such a letter?
              THE INTERPRETER: I'm sorry. The letter he
11
12
     was asked to provide?
13
              MR. WARD: Right. At the time he was -- at
     the time he was notified he was being suspended, he was
14
15
     asked to provide a letter, and my question is did he
16
     provide such a letter?
17
              THE WITNESS: Yes. I gave it to Kevin.
18
              MR. WARD: All right. I am going to mark as
     Exhibit 15, if I can find it here -- sorry -- a set of
19
20
     documents that were produced to us in the Bates
    No. RenaldoNavarro -1 to -14.
21
22
              (Deposition Exhibit 15 was marked for
23
              identification by the reporter, a
2.4
              copy of which is attached hereto.)
25
     ///
```

- 1 BY MR. WARD: 2 All right. Let me get to the right page 3 here. So looking at this first page of Exhibit 15, Mr. Navarro, do you recognize this document? 4 5 A Yes, sir. 6 0 What is this document? 7 A I did not know who made this, but I saw that. 8 0 Is it your testimony that you did not write 9 this Navarro Exhibit 1? 10 THE INTERPRETER: Again, repeat that. There 11 is breaking up in the audio. 12 BY MR. WARD: 13 0 Are you saying, Mr. Navarro, that you are not 14 the person who wrote this document that we are looking 15 at right now? 16 MR. URIARTE: Do you want me to make it
 - bigger, Mr. Navarro?

- 18 THE WITNESS: Yes.
- 19 Please repeat the question, sir.
- 20 MR. WARD: Sure.
- Let me just ask this: Are you the one who 21 0
- 22 wrote this, what's marked here as Navarro No. 1?
- 23 All I remember is the one at the last part. A
- 2.4 All I remember is what's written here on the last part.
- 25 If this is the benefits for the sake of my job, I will

- 1 not intervene again, just do and focus on my job. But
- I do not remember the things about it, the words
- 3 written above it. If you could show what I wrote down,
- I would know where it came from, but this one, the
- 5 stuff above it, I do not know.
- 6 So is it your testimony that you did not write
- 7 all of the content on this page?
- If you give me the letter that I wrote, I
- 9 would remember all of that, but with this one,
- 10 especially the last one, that was what Kevin told me to
- 11 say. But with regard to the stuff above it, I do not
- 12 remember this.
- So am I understanding correctly, you did not
- write everything on this page? Yes or no?
- 15 A Maybe I wrote all of this, maybe.
- As you sit here today, you just can't say one
- way or another; is that true?
- A Which is it? Which is it? Are you referring
- 19 that I could not say one way or the other?
- 20 The entire document, did you write this entire
- 21 document, or did somebody else write it?
- 22 A I'm the one who made this.
- Okay. You just told me you are the one who
- 24 made the entire letter -- or I'm sorry -- the entire
- document.

- 1 Yes. I was told to write that by Raul Vargas
- and Kevin.
- Is this the letter that you provided in
- 4 response to the request from Kevin and Raul?
- THE INTERPRETER: I'm sorry. Please repeat
- 6 that.
- 7 BY MR. WARD:
- 8 Is this the letter that you provided in
- 9 response to the request from Kevin and Raul?
- 10 A Yes, sir.
- 11 Q How did you transmit this to Kevin?
- 12 THE INTERPRETER: I'm sorry. How did he --
- MR. WARD: How did he transmit this? How did
- 14 he give it to Kevin? Did he give it to him by hand?
- 15 Did he email it?
- 16 THE WITNESS: When they suspended me, Kevin
- 17 told me to make a letter. So I went to my car and made
- 18 that, and then, before I left, I gave it to Kevin.
- 19 BY MR. WARD:
- 21 right now, the first page of Exhibit 15, in your car?
- 22 A Yes, sir.
- 23 Q Did you keep a computer in your car?
- 24 A I did not have a computer. I hand-wrote it.
- 25 That's why, what I say right now, I hand-wrote it. But

- 1 prepared this.
- 2 Q But your testimony is that somebody gave you
- 3 this document; right?
- 4 A Yes. It may be Kevin who gave this to me, who
- 5 typed this in his computer and gave me a copy because I
- 6 have no computer.
- 7 Q I don't want you to speculate, though,
- 8 Mr. Navarro. I want you to tell me what you know
- 9 happened.
- 10 Did Kevin type this up and give it to you, or
- 11 are you guessing that might be what happened?
- 12 A I am the one who wrote this down, but who
- 13 typed it in the computer, I no longer remember.
- 14 Q Okay. But it's your testimony that it wasn't
- 15 you who typed it; is that true?
- 16 A Yes, sir.
- 17 Q It's the same thing today?
- 18 You have no memory of how you came to be in
- 19 possession of this typed version; is that true?
- 20 A I no longer remember, but what I remember is
- 21 the letter that the attorney had me prepare, this is
- 22 the one.
- 23 Q All right. This is now page 2 of Exhibit 15.
- 24 I want to ask you, do you recognize this typed version?
- Have you seen it before?

- I have a copy of this. I have a copy that I
- 2 gave to my attorney.
- Are you the one who created this typed
- 4 version?
- 5 A It's not myself.
- Where did you get it from?
- 7 A The people gave it to me.
- 8 Q Who?
- 9 A I no longer remember. All the documents that
- 10 I think we need, I gave them all to my attorney. So
- 11 all of the documents are with my attorney.
- 12 Q But as you sit here today, looking at this
- 13 document stamped RenaldoNavarro -2, you don't remember
- 14 who gave that to you; is that true?
- 15 THE INTERPRETER: I did not get the question.
- 16 BY MR. WARD:
- 17 Q Just looking at page 2 of Exhibit 15, is it
- 18 true that you do not recall who gave this page to you?
- 19 A Yes, sir.
- 20 MR. WARD: All right. I'm showing the
- 21 witness, still on Exhibit 15, the page Bates-marked
- Navarro No. 11.
- 23 Do you recognize what this screen capture
- appears to show, Mr. Navarro?
- 25 A Yes, sir. Yes, sir.

- Is this a text message that you have on your
- 2 phone?
- 3 Yes, sir.
- And do you still have this text-message chain
- 5 on your device?
- 6 A It's still there, sir.
- 7 Q Don't delete it, please.
- 8 What about this page that is -- I think it's
- 9 RenaldoNavarro -12. What is that?
- 10 A This was by the supervisor. I was no longer
- 11 there, but this was just texted to me. This was --
- 12 this text was sent to me saying "Sorry. Andrew fell
- 13 asleep, but his hours were already running."
- Q Okay. This appears to be -- so is this a
- 15 message somebody named Mark sent to you?
- 16 A Yes, sir.
- 17 Q Okay. Which side of this text-message chain
- 18 is yours? Is it the left side with the image or the
- 19 right side where it says "Date 11-7-18"?
- 20 A This date.
- 21 O Who is Mark? Who is the Mark that's referred
- 22 to in this message?
- 23 A This was the person, also a supervisor --
- 24 Andrew was supposed to replace him.
- 25 Q So, in other words, this was another

- 1 supervisor at Menzies?
- 2 A When I was no longer there. He was the
- 3 supervisor when I was no longer at Menzies.
- 4 Q Okay. And is this a screen capture of a text
- 5 message you had with -- or a text capture you had with
- 6 this individual, Mark?
- 7 A He just sent a text to me.
- 8 Q Okay. Do you still have those texts on your
- 9 device?
- 10 A Yes, sir.
- Don't delete them, please. How about this
- 12 next page? It looks like it's -- or next two pages,
- 13 and 14? Are these also text messages that you
- 14 received?
- 15 A Yes, sir.
- Do you still have them on your device?
- 17 A It's still there, sir.
- 18 Q Okay. Don't delete that, please.
- 19 MR. URIARTE: Chris, can we take a five-minute
- 20 break to rest?
- 21 MR. WARD: Sure. That's fine. It's 3:37. Do
- 22 you want to reconvene at 3:45?
- MR. URIARTE: Sounds good.
- MR. WARD: Thank you. We are off the record.
- 25 (Off the record.)

1 THE INTERPRETER: I'm sorry. Please repeat 2 that. 3 BY MR. URIARTE: 4 The petition was signed by at least one 5 supervisor; is that correct? 6 Α Yes. 7 Do you know how many signed -- how many 8 supervisors signed the petition? 9 Α Two, sir. What are those names? 10 Q July Macapagal. 11 Α Who else? 12 0 13 And Renaldo Navarro, myself. Α 14 MR. URIARTE: No further questions. 15 MR. WARD: Give me just a second. 16 All right. I have no follow-up at this point. 17 Counsel and I agreed off the record that we would not be concluding Mr. Navarro's deposition subject to some 18 19 questioning about his -- or I should say potential 20 questioning about Mr. Navarro's settlement agreement 21 with Swissport, which we'll meet and confer about as 22 necessary; but, otherwise, we can conclude today's deposition, at least this first and potentially last 23 day of Mr. Navarro's deposition. And at this point --2.4 25 we don't do any stipulations on the record anymore, at

```
least in San Francisco. Some L.A. attorneys still do
 1
 2
    it unless there's something that you want to add, Arlo.
             MR. URIARTE: No.
 3
 4
             MR. WARD: All right. I think we are
 5
    concluded, then, for the day. I appreciate everybody's
    time and patience with this process, especially with
 6
 7
    the technology glitches on my end. Off the record.
 8
           (Deposition session concluded at 4:23 p.m.)
9
                             -000-
10
11
12
             I certify (or declare) under penalty of
13
    perjury under the laws of the State of California that
14
    the foregoing is true and correct.
15
16
    Executed at on
                        (Place)
                                                (Date)
17
18
                     (Signature of Deponent)
19
20
21
22
23
24
25
                                                            118
```

```
1
                 DEPOSITION OFFICER'S CERTIFICATE
 2
     STATE OF CALIFORNIA )
                          ) ss.
 3
     COUNTY OF ORANGE
 4
 5
              I, Joanna B. Brown, hereby certify:
 6
              I am a duly qualified Certified Shorthand
7
     Reporter in the State of California, holder of
8
     Certificate Number CSR 8570 issued by the Court
 9
     Reporters Board of California and which is in full
10
     force and effect. (Fed. R. Civ. P. 28(a)).
11
              I am authorized to administer oaths or
12
     affirmations pursuant to California Code of Civil
13
     Procedure, Section 2093(b) and prior to being examined,
14
     the witness was first duly sworn by me.
15
     (Fed R. Civ. P. 28(a), 30(f)(1)).
16
              I am not a relative or employee or attorney or
     counsel of any of the parties, nor am I a relative or
17
18
     employee of such attorney or counsel, nor am I
19
     financially interested in this action.
20
     (Fed R. Civ. P. 28).
21
              I am the deposition officer that
22
     stenographically recorded the testimony in the
23
     foregoing deposition, and the foregoing transcript is a
     true record of the testimony given by the witness.
24
25
     (Fed. R. Civ. P. 30(f)(1)).
```

```
1
              Before completion of the deposition, review of
     the transcript [XX] was [ ] was not requested. If
 2
 3
     requested, any changes made by the deponent (and
     provided to the reporter) during the period allowed,
 5
     are appended hereto. (Fed. R. Civ. P. 30(e)).
 6
 7
8
     Dated: August 4, 2020
9
                               Janua B. Broan
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
                                                              120
```

		EF	RRATA	SHEET FOR THE TF	RANSCRIPT OF:		
	Case Number: 3:1 Dep. Date: Aug Deponent: RE		3:19- Augu REN	ENALDO NAVARRO v. MENZIES AVIATION, INC. 19-cv-08157-VC ugust 4, 2020 ENALDO NAVARRO a Zoom			
	CORRECTIONS:						
Pg.	Ln.	Now Reads		Should Read	Reasons Therefore		
					Signature of Deponent		
					······································		

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 103 of 312

EXHIBIT 13

Case 3:19-cv-0815 DEBOSITION OF JOHN QUALLY 15/97/27/2020 I N D E X Page Number EXAMINATION BY MR. URIARTE ---000---EXHIBITS Plaintiff's Exhibit 1 Plaintiff Renaldo Navarro's Notice of Deposition of John Qually Missed Punch Form Exhibit 2 ---000---

1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition and on Monday, the 27th day of July,
3	2020, commencing at the hour of 8:58 o'clock a.m.
4	thereof, via Zoom videoconference, before me, CINDY
5	TUGAW, a Certified Shorthand Reporter in the State of
6	California, personally appeared,
7	JOHN QUALLY,
8	Called as a witness by the Plaintiff, having been by me
9	first duly sworn, was examined and testified as
10	hereinafter set forth.
11	000
12	APPEARANCES OF COUNSEL
13	For the Plaintiff LIBERATION LAW GROUP, P.C.
14	2760 Mission Street San Francisco, California 94110
15	BY: ARLO GARCIA URIARTE, Attorney at Law (415) 695-1000
16	(413) 000
17	For the Defendants FOLEY & LARDNER, LLP
18	555 California Street, Suite 1700 San Francisco, California 94104
19	BY: JASON Y. WU, Attorney at Law (415) 984-9848
20	Also Present: David Ho, Zoom Host.
21	00o
22	
23	
24	
25	

1	THE REPORTER: At this time, I will ask counsel to				
2	stipulate on the record that there is no objection to				
3	this deposition officer administering a binding oath to				
4	the witness via Zoom, starting with the noticing				
5	attorney.				
6	MR. URIARTE: So stipulated.				
7	THE REPORTER: Mr. Wu?				
8	MR. WU: So stipulated on behalf of defendant,				
9	Menzies Aviation.				
10	EXAMINATION BY MR. URIARTE				
11	MR. URIARTE: Q. Good morning, Mr. Qually. My				
12	name is Arlo Uriarte. I am attorney for Renaldo				
13	Navarro. Do you understand that?				
14	A. Yes.				
15	Q. And you are aware that Mr. Navarro has an				
16	action against Menzies for his termination?				
17	A. I heard, yes.				
18	Q. And you know that you are here for your				
19	deposition as a witness?				
20	A. Yes.				
21	MR. URIARTE: David, can we have Exhibit 1 brought				
22	up, please.				
23	ZOOM HOST: Give me one second. I'm bringing it				
24	up right now. Hold on.				
25	MR. URIARTE: Okay.				

Okay. All right. So let's see. Q. So you 1 said -- when you started with ASIG -- and is that the 2 right way to call it, ASIG, by the way, A-S-I-G, ASIG? 3 Do you guys say that, ASIG? 4 Α. 5 Yes. When you started with ASIG, what was your 6 position with them? 7 Α. Supervisor. 8 Q. Can you tell me what the duties of a 9 supervisor would be? 10 The duties are basically overseeing of the --11 overseeing and assigning the flights to the fuelers and 12 making communication with the airlines on -- as we go 13 through the day. 14 And by 2018, how many fuelers were assigned to 15 a supervisor? Do you remember? 16 It could -- I guess it varies by shift. 17 0. I see. What would be the range, like would 18 you say between three and ten, or was there like a 19 range? 20 I guess it depends on the shift. Some shifts 21 had upwards of 12 to 15. Some shifts had anywhere from 22 three to four. 23 Gotcha. And the interesting -- or the date 24

most interesting for us is August of 2018 because

Yeah. Α. 1 O. What was the next? 2 Α. Ramp service. 3 0. Lead ramp services. Okay. And how long were 4 you with United? 5 Eight and a half years. 6 So when did you become a duty manager for ASIG 7 or Menzies? 8 It was back -- honestly, I don't remember the 9 exact date, but it's been -- I've been a duty manager 10 for roughly four years. 11 Q. Four years now? 12 Α. Yeah. 13 Q. Okay. So like 2016, around that time? 14 Α. Around that time. 15 Were you a duty manager by the time Menzies 16 Q. came in? 17 Around that time, yes. 18 Like close, yeah. I guess the key question is 19 when Menzies took over ASIG, were you already a duty 20 manager or you became a duty manager after Menzies came 21 in? 22 Α. I was already. 23 Okay. Gotcha. All right. 24 Q. So we were talking about the role of 25

supervisors with regards to how they work with fuelers, 1 right? You said earlier that you would -- one of the 2 duties would be to assign flights to the fuelers for 3 the shift, right? 4 A. Yes. 5 That's one of the duties. What other duties 6 0. do supervisors have? 7 They -- besides assigning the flights, they 8 are obviously in communication with airlines as needed. 9 They're overseeing the safety of the operation, making 10 11 sure that, you know, everything is going safely. Okay. So is it the supervisor that's actually 12 Q. on the headphone with the plane during the fueling 13 operation, or with the airline? 14 Α. No. 15 No? That could be any of the fuelers? 16 Q. Well, the fuelers don't communicate with the 17 flight crew. They communicate with the airline 18 representative. 19 Gotcha. Okay. And who is that? Is that the 20 fueler or is that the supervisor? 21 Sometimes both. But, in general, when you're Α. 22 actually fueling, it would be more so the fueler than 23 the supervisor. 24 Q. Okay. Are supervisors sometimes -- like do 25

Α. Yes. 1 Okay. And then what other duties do 2 supervisors have with regards to the fuelers? 3 Basically, you know, for operational purposes, 4 it's making sure that the flights are getting done, the 5 fuelers are getting to the flights when they're 6 supposed to, you know, addressing whatever issues may 7 8 come up. What about giving breaks, for example, like 9 timing the breaks, when people can go for meal periods, 10 11 when people can go for their ten-minute breaks, is that the supervisor's duties? 12 A. Yes. 13 MR. WU: Objection. Relevance. 14 MR. URIARTE: Q. And then what about clocking in 15 and clocking out, do the supervisors have any duties 16 with regards to that? 17 MR. WU: Same objection. 18 THE WITNESS: 19 No. MR. URIARTE: Q. Like if there are issues with 20 regards to they forgot to clock out or, oh, they forgot 21 to clock in, something like that, is that the 22 supervisor's duty or is that somebody else's? 23 MR. WU: Same objection. 24 MR. URIARTE: Q. Mr. Qually? 25

supervisor, is that correct? 1 I had no -- that would be my guess. I don't 2 know -- I don't have any knowledge on where he started, 3 4 but that's my understanding. I don't want you to guess. 5 MR. WU: MR. URIARTE: Q. Yeah, no guessing. 6 I guess what I was leading to was whether you 7 had any part in recommending or having Mr. Navarro be 8 promoted from fueler to supervisor. Do you remember 9 anything like that? 10 Α. No. 11 So you weren't part of that process at all? Q. 12 Α. No. 13 Did you and Mr. Navarro get along at all? 14 your relationship cordial or was it combative? How 15 would you characterize your relationship with Mr. 16 Navarro? 17 Working relationship was okay. No, you know, 18 just -- it was okay. 19 Q. Did Mr. Navarro ever bring up any complaints 20 to you? 21 A. From time to time, yes. 22 And what would be the nature of those 0. 23 complaints? 24 A. Varies. Could be airline issue, staffing 25

And it was brought up to the higher-ups. Α. 1 And who were the higher-ups at that time? 2 Q. Α. Let's see. Who was it? Renil was one of 3 4 them. Who? 5 Q. Renil Lal. Because he was the acting GM at 6 the time, so --7 0. Okay. Anybody else, do you remember? 8 Α. No. 9 Did anything happen because of the complaints 10 that Andrew Dodge was sleeping? Do you know what 11 happened to Andrew Dodge? Was he reprimanded? Was he 12 written up? 13 Did anything happen because of that? 14 Not that I know of. 15 Q. Did Mr. Dodge explain to you what happened or 16 did he admit it or anything like that? 17 A. He did. He had sleep depravation -- or sleep 18 apnea, sorry. 19 So he had sleep apnea, and so --20 According to what I heard, what the Α. 21 explanation was, at times it's easy for a person to 22 fall asleep. 23 Q. Aside from his -- aside from Mr. Navarro 24 mentioning that Mr. Dodge was sleeping, any other 25

STATE OF CALIFORNIA 1 COUNTY OF SAN FRANCISCO) 2 I, CINDY TUGAW, a Certified Shorthand Reporter 3 of the State of California, duly authorized to 4 administer oaths pursuant to Section 8211 of the 5 California Code of Civil Procedure, do hereby certify 6 that 7 JOHN QUALLY, 8 the witness in the foregoing deposition, was by me duly 9 sworn to testify the truth, the whole truth and nothing 10 but the truth in the within-entitled cause; that said 11 testimony of said witness was reported by me, a 12 disinterested person, and was thereafter transcribed 13 under my direction into typewriting and is a true and 14 correct transcription of said proceedings. 15 I further certify that I am not of counsel or 16 attorney for either or any of the parties in the 17 foregoing deposition and caption named, nor in any way 18 interested in the outcome of the cause named in said 19 caption. 20 Dated the 7th day of August, 2020. 21 22 23 24 CINDY TUGAW CSR No. 4805 (California) 25

```
John Qually
 1
      c/o Foley & Lardner
      555 California Street, Suite 1700
 2
      San Francisco, CA 94104
     Attn:
             Jason Y. Wu, Esq.
 3
     Date:
             August 7th, 2020
 4
          Navarro vs. Menzies
     Deposition Date: Monday, July 27, 2020
 5
     Dear Mr. Qually,
 6
              Please be advised the original transcript of
 7
     your deposition is ready for your review.
              Pursuant to FRCP Rule 30(e), you have
 8
      30 days following the date of this notice to read,
      correct if necessary, and sign your transcript unless
 9
      the attending parties and the deponent agree on the
      record or otherwise in writing to a longer or shorter
10
      time period.
                    The deponent may change the form or the
      substance of the answer to a question, and may either
11
      approve the transcript of the deposition by signing it,
      or refuse to approve the transcript by not signing it.
12
      You are not required by law to read and sign your
      deposition transcript. All parties will be informed of
13
      the corrections. The original transcript will then be
      sealed and sent to the examining attorney pursuant to
14
      the applicable law.
              You may either come to our office to read and
15
      sign the original transcript, or you may contact your
16
      attorney or the attorney who arranged for you to be
     present at your deposition. If they have ordered a
     copy of the transcript, you may review their copy and
17
     make corrections by submitting, signing and returning
      the attached form. If you choose to review your
18
      transcript at our office, please call first to make an
      appointment.
                    Should you have any question regarding
19
      these instructions, please call.
20
      Sincerely,
21
22
     NOGARA REPORTING SERVICE
      5 Third Street, Suite 415
23
      San Francisco, California 94103
      (415) 398-1889
24
         All counsel, original deposition
25
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 118 of 312

EXHIBIT 14

1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition and on Tuesday, the 28th day of July,
3	2020, commencing at the hour of 2:07 o'clock p.m.
4	thereof, via Zoom videoconference, before me, CINDY
5	TUGAW, a Certified Shorthand Reporter in the State of
6	California, personally appeared,
7	JOHN QUALLY,
8	called as a witness by the Plaintiff, having been by me
9	previously duly sworn, was examined and testified
10	further as hereinafter set forth.
11	00
12	APPEARANCES OF COUNSEL
13	For the Plaintiff LIBERATION LAW GROUP, P.C.
14	2760 Mission Street San Francisco, California 94110
15	BY: ARLO GARCIA URIARTE, Attorney at Law (415) 695-1000
16	(113) 033 1000
17	For the Defendants FOLEY & LARDNER, LLP
18	555 California Street, Suite 1700 San Francisco, California 94104
19	BY: JASON Y. WU, Attorney at Law (415) 984-9848
20	Also Present: David Ho, Zoom Host.
21	00o
22	
23	
24	
25	

EXAMINATION BY MR. URIARTE 1 MR. URIARTE: Let's get back on the record. 2 Mr. Qually, how are you? Thank you for coming 3 4 back today. Off the record we had a little bit of a 5 clarification discussion with your counsel. And I just 6 wanted you to confirm that, in preparation for your 7 deposition, that aside from your counsel, you also 8 spoke with Tracy from HR, Andrew Dodge, and also Ran --9 Α. Randy Davies. 10 Q. -- Randy Davies, correct? 11 Α. Correct. 12 And then, aside from those people, did you 13 0. talk to anybody else in preparation --14 Α. No. 15 -- for your deposition? 16 Q. Α. No. 17 Q. That's a no? 18 Α. No. 19 So let's just jump right in here. 0. Great. 20 Yesterday you were having a little bit of a difficulty 21 trying to remember the different supervisors and 22 different managers that were at Menzies Aviation office 23 in 2018. And I've got a list of names here. 24 to throw it by you. In August of 2018, Nico, N-i-c-o, 25

- Q. And I read your note, and I think I've got to piece it together a little bit, and let me see if this is correct. What happened was, after the suspension meeting, they asked you to deliver the suspension notice, and then Ray Navarro -- a couple of days later, and then Ray Navarro would not sign it. Is that how it happened?
 - A. He, as I remember, trying to serve him with a suspension document, and he did refuse to sign.
 - Q. But that was -- when did you try to serve -- when did you try to serve it to Ray Navarro? Did that happen after the meeting, same day?
 - A. I believe it must have -- I can't remember a hundred percent, but it must have been before the meeting.
 - Q. Okay.

- A. But like I say, I don't have -- not knowing when Tracy had the meeting, but, you know, so my guess would be -- like I say, it's a guess, but it was probably before the meeting with them.
- Q. So because it's a guess, you don't actually know whether it was before the meeting or after the meeting?
 - A. Correct.
 - Q. You don't remember.

at all?

MR. WU: I'm going to object here on grounds of attorney-client privilege and instruct the witness to answer only as to whether he's seen the document outside of any confidential or communications with his attorneys.

MR. URIARTE: Q. That's correct, Mr. Qually, yes. So my question really is whether you've ever seen the -- either of the petitions, either of the two petitions that were circulated, and not because your attorney showed it to you but because of other events.

- A. As I said, no.
- Q. Would it be accurate to state that as a duty manager, that Andrew Dodge is an employee that you would have been supervising?
 - A. At some point, yes.
- Q. And so it wasn't like an interest of yours to figure out what it is that the fuelers were complaining about against Dodge? That wasn't an interest of yours?

MR. WU: Objection. Vague.

You can answer if you understand the question.

THE WITNESS: I did not hear complaints directly from the fuelers.

MR. URIARTE: Q. Okay. So you're saying none of

25 the fuelers ever came up to you and said, hey, these

negatives things are happening? You never heard that? 1 A. No. 2 Q. What about the video, did you ever see that 3 4 video where they put together a video of Mr. Dodge sleeping and all that? Did you see that one? 5 Α. No. 6 You knew that a petition was going around 7 0. against Mr. Dodge? Did you know that, as it was 8 happening? 9 Α. I have heard through -- that, yes, there was. 10 And did you see the note that Andrew Dodge 11 wrote, the statement he wrote around the same time that 12 the petition was going around, was that something that 13 you saw? 14 Α. I did not. 15 Do you know one way or the other if Menzies 16 Aviation ever did an investigation with regards to the 17 facts that are contained within those petitions? 18 Α. No. 19 You don't know? 0. 20 I don't know if -- what was done with all the Α. 21 information. 22 Q. I see. Were you made aware at some point that 23 Mr. Dodge was suffering from sleep apnea? 24 25 A. Yes.

Q. And how were you made aware of that? 1 He brought it to our attention. 2 Q. Do you know when that was? 3 Α. No, I don't have the exact date. 4 Was it before or after the termination of Ray 5 Q. Navarro? 6 Α. Before. 7 A lot of time before? I think Mr. Dodge came 8 in in 2016. And then Ray Navarro was August of 2018. 9 So that's kind of like the time frame there. I don't 10 know if that assists you, but do you know about when 11 Mr. Dodge let you know of his condition? 12 I don't have the exact date, no. 13 And did you see any kind of medical note or a 14 medical slip or anything like that written by a doctor? 15 Personally, no. 16 Α. Did somebody tell you that he had one? 17 He told me he gave it to the general manager 18 at the time, Renil. 19 Renil Lal? 0. 20 Yes. Α. 21 Q. Did Mr. Lal ever talk to you about the note, 22 the medical note? 23 24 A. No. Q. Was there some sort of accommodation or a game 25

- plan with regards to how to deal with the sleep apnea, 1 anything like that? 2 3 A. Nothing directed to me. Q. Did you think that maybe the sleep apnea 4 condition was interfering with his job? 5 A. No. 6 Q. You didn't think that it's of concern? 7 A. There's always a concern, but I don't believe 8 it interfered with his job. 9 Q. And why is that? 10 A. Because most of the time, as I heard, it was 11 already, like, early in the morning, like, 1:00, 2:00, 12 3:00 o'clock in the morning when there's nothing on the 13 airport. When he's actually on the airport, he was not 14 sleeping. He was actually doing his job. 15 Q. Did you see that one picture of him where he's 16 inside the truck and he's sleeping? Did you see that 17 one? 18 A. I've seen one, yes. 19 Q. And that's not a concern at all for Menzies? 20 A. For me personally or Menzies? Me, personally, 21 the time frame, no. Whether the company did, I can't 22 23 say.
 - Q. So I guess you weren't part of some sort of discussion as to whether his condition interfered with

24

25

him being able to correctly perform his job functions, 1 right? You weren't purview to that type of discussion? 2 Α. Correct. 3 Have you seen the termination notice of 4 Renaldo Navarro? 5 Α. No. 6 So you saw only the suspension notice, right? 7 Q. Α. Correct. 8 And then you actually -- did you write that? 9 Did you actually -- were you the one who wrote it? 10 The one that basically saying that he -- that 11 I attempted to serve him the suspension notice and he 12 refused to sign? 13 No, no, let me put it up, that way we're 14 talking about the same thing. I'm talking about the 15 actual notice itself. 16 So it's Exhibit 6, please, David. 17 (Plaintiff's Exhibit 6 marked for 18 identification.) 19 MR. URIARTE: Q. Do you see that, Mr. Qually? 20 A. Oh, that one. Okay. Yes, I did -- that was 21 the one -- that was the -- okay, yes. That was a 22 suspension document that was tried to serve to 23 Mr. Navarro that he refused to sign. 24 Q. Correct. So my question first is did you type 25

date of August 23. Do you see that? 1 A. Yes. 2 3 Q. Does that help you or refresh your 4 recollection at all with regards to when you served this? 5 A. When he refused to sign, I dated it on the 6 23rd because that's when I tried to serve it to him. 7 Q. I see. So that's when your encounter with him 8 actually happened, is that correct? 9 A. Correct. 10 0. So you only had one encounter with him, one 11 attempt? 12 Α. Correct. 13 Q. And because he was not -- he wasn't working at 14 that point, correct? 15 MR. WU: Objection. Vague. 16 THE WITNESS: I can't remember --17 MR. WU: You can answer if you understand the 18 question. 19 THE WITNESS: I understand the question. I don't 20 remember if that was his scheduled shift. I don't 21 remember if that was his scheduled day or not. 22 MR. URIARTE: Q. I understand you're a little 23 confused. By the time you were trying to serve him, 24 25 was he already serving the suspension or he had not

- started serving the suspension? Do you see what I'm 1 saying? 2 3 A. He -- best of my knowledge, he had not served 4 his suspension. Q. So he didn't start serving the suspension 5 until you tried to serve him the suspension notice, is 6 that correct? 7 A. To the best of my knowledge, yes. 8 Okay. Did you leave him with a copy? Q. 9 Α. He had a copy, yes. 10 Q. When you say he had a copy, was the copy --11 the copy that he had, that came from you or --12 He took a picture of it with his phone. 13 Okay. So, okay. All right. And then Q. I see. 14 let me just read under goal and the expectation part 15 there, it says, "It is expected that employees will 16 follow all policies and procedures. Failure to follow 17 Company policies and procedures will result in further 18 disciplinary action up to and including termination." 19 Do you read that? 20 Α. Yes. 21 Are you knowledgeable at all with regards to 0. 22 the policies and procedures that this notice was 23 talking about? 24
 - A. Directly, no.

25

1 no.

- Q. Did you -- like either part of the petition or part of what was happening, or anything like that, did you ever have a discussion with Mr. Dodge with regards to his fuelers and his fuelers maybe not being able to take breaks? Did you ever engage in such a discussion with him?
 - A. It probably came up once or twice, yes.
- Q. And was this once or twice before the termination of Mr. Navarro?
 - A. Likely, yes.
- Q. And can you tell us what your memory is of that, like, what was that discussion about?
- A. Basically fuelers not being able to take a break just by the fact that they were shorthanded or just lots of flights. Nothing I can remember in general, but those are usually the only things that would prevent that.
- Q. Okay. And what brought up the need to talk to Mr. Andrew Dodge about the breaks and his fuelers?

 What brought it up to you? What kind of triggered that?
- MR. WU: Objection. Assumes facts not in evidence.
- THE WITNESS: Sometimes a fueler would complain to

me, but that's it. 1 MR. URIARTE: Q. And did Mr. Dodge have any 2 opinion or did he kind of have his position as to why 3 4 these breaks were short -- I mean, the breaks weren't happening, or the breaks were late, or anything like 5 that? 6 Did Andrew Dodge try to explain himself as to 7 why those things were happening? 8 MR. WU: Objection. Assumes facts not in 9 evidence. 10 11 THE WITNESS: Yes. MR. URIARTE: Q. And what would he say in those 12 discussions? 13 A. He gave me the explanation of what happened 14 during the night and why some fuelers weren't able to 15 get a longer break than they did or any break at all. 16 And that's it, you know. 17 We -- there is a policy where, if they don't 18 get a break, they get a missed meal penalty. So they 19 get paid for their lunch. 20 Did you ever have a discussion with a Rafael 21 Vasquez about Andrew Dodge? 22 I might have at one point. I don't recall. 23 And what do you remember as to that 24 discussion? 25

24 right? You never heard that type of complaint?

A. Correct.

23

25

and rest breaks, but nothing about harassing fuelers,

STATE OF CALIFORNIA 1 COUNTY OF SAN FRANCISCO) 2 I, CINDY TUGAW, a Certified Shorthand Reporter 3 of the State of California, duly authorized to 4 administer oaths pursuant to Section 8211 of the 5 California Code of Civil Procedure, do hereby certify 6 that 7 JOHN QUALLY, 8 the witness in the foregoing deposition, was by me duly 9 sworn to testify the truth, the whole truth and nothing 10 but the truth in the within-entitled cause; that said 11 testimony of said witness was reported by me, a 12 disinterested person, and was thereafter transcribed 13 under my direction into typewriting and is a true and 14 correct transcription of said proceedings. 15 I further certify that I am not of counsel or 16 attorney for either or any of the parties in the 17 foregoing deposition and caption named, nor in any way 18 interested in the outcome of the cause named in said 19 caption. 20 Dated the 7th day of August, 2020. 21 22 23 24 CINDY TUGAW CSR No. 4805 (California) 25

```
John Qually
 1
      c/o Foley & Lardner
      555 California Street, Suite 1700
 2
      San Francisco, CA 94104
     Attn:
             Jason Y. Wu, Esq.
 3
     Date:
             August 7th, 2020
 4
          Navarro vs. Menzies
 5
     Deposition Date:
                        Tuesday, July 28, 2020
     Dear Mr. Qually,
 6
              Please be advised the original transcript of
 7
     your deposition is ready for your review.
              Pursuant to FRCP Rule 30(e), you have
 8
      30 days following the date of this notice to read,
      correct if necessary, and sign your transcript unless
 9
      the attending parties and the deponent agree on the
      record or otherwise in writing to a longer or shorter
10
      time period.
                    The deponent may change the form or the
      substance of the answer to a question, and may either
11
      approve the transcript of the deposition by signing it,
      or refuse to approve the transcript by not signing it.
12
      You are not required by law to read and sign your
      deposition transcript. All parties will be informed of
13
      the corrections. The original transcript will then be
      sealed and sent to the examining attorney pursuant to
14
      the applicable law.
              You may either come to our office to read and
15
      sign the original transcript, or you may contact your
16
      attorney or the attorney who arranged for you to be
     present at your deposition. If they have ordered a
      copy of the transcript, you may review their copy and
17
     make corrections by submitting, signing and returning
      the attached form. If you choose to review your
18
      transcript at our office, please call first to make an
      appointment.
                    Should you have any question regarding
19
      these instructions, please call.
20
      Sincerely,
21
22
     NOGARA REPORTING SERVICE
      5 Third Street, Suite 415
23
      San Francisco, California 94103
      (415) 398-1889
24
          All counsel, original deposition
25
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 138 of 312

EXHIBIT 15

Case 3:19 cv 08 DEPOSITION OF TRACY AGUILERA 57008/25/2020 INDEX 1 Page Number 2 5 3 EXAMINATION BY MR. URIARTE 4 EXAMINATION BY MR. WU 48 FURTHER EXAMINATION BY MR. URIARTE 53 5 ---000---6 EXHIBITS 7 Plaintiff's 8 Exhibit 8 Petition to Menzies 26 9 Management from Menzies Fuelers 10 Termination notice for 11 Exhibit 9 48 Renaldo Navarro 12 Exhibit 11 Employee Performance 35 Development dated 13 8/29/2018 14 Exhibit 12 Email chain culminating 31 in an email from Raul 15 Vargas to Tracy Aguilera dated August 29, 2018 16 Exhibit 13 Menzies Aviation Code of 18 17 Conduct 18 Exhibit 14 Menzies Aviation Employee 21 Handbook California - 2017 19 Exhibit 15 Menzies Aviation Applicant 23 20 Declaration Form 21 Exhibit 17 Employee Performance 43 Development Steps to 22 Progressive Discipline 23 Exhibit 18 54 Job Description, Fueling Supervisor (North America) 24 25

Case 3:19 cv 08DEPOSITION OF TRACY AGUILERA 57008/25/2020 INDEX (Continued) Plaintiff's Page Number Exhibit 19 Letter from Rafael Vasquez to whom it may concern dated 11/18/2018 with attached petition Menzies Aviation Employee Exhibit 20 Handbook California - 2018 ---000---

1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition and on Tuesday, the 25th day of
3	August, 2020, commencing at the hour of 1:04 o'clock
4	p.m. thereof, via Zoom videoconference, before me,
5	CINDY TUGAW, a Certified Shorthand Reporter in the
6	State of California, personally appeared,
7	TRACY AGUILERA,
8	called as a witness by the Plaintiff, having been by me
9	first duly sworn, was examined and testified as
10	hereinafter set forth.
11	00
12	APPEARANCES OF COUNSEL
13	For the Plaintiff LIBERATION LAW GROUP, P.C.
14	2760 Mission Street San Francisco, California 94110
15	BY: ARLO GARCIA URIARTE, Attorney at Law (415) 695-1000
16	(413) 000
17	For the Defendants FOLEY & LARDNER, LLP
18	555 California Street, Suite 1700 San Francisco, California 94104
19	BY: JASON Y. WU, Attorney at Law (415) 984-9848
20	Also Present: David Ho, Zoom Host.
21	00o
22	000
23	
24	
25	

1	THE REPORTER: At this time, I will ask counsel to
2	stipulate on the record that there is no objection to
3	this deposition officer administering a binding oath to
4	the witness via Zoom, starting with the noticing
5	attorney.
6	MR. URIARTE: No objection from plaintiff.
7	MR. WU: And no objections for defendant, Menzies
8	Aviation.
9	(Whereupon, the Witness was duly sworn by the
10	Reporter.)
11	EXAMINATION BY MR. URIARTE
12	MR. URIARTE: Q. Good afternoon, Ms. Aguilera.
13	A. Good afternoon.
14	Q. Could you please state and spell your full
15	legal name for the record.
16	A. Tracy T r-a-c-y, Marie, M-a-r-i-e, Aguilera,
17	A-g-u-i-l-e-r-a.
18	Q. Thank you. Have you had your deposition taken
19	before?
20	A. Yes.
21	Q. And how many times?
22	A. Two or three. A couple times.
23	Q. And are these like as part of your duties as
24	an HR professional?
25	A. Yes.

that you're using for today's testimony? 1 Α. No. 2 What's the highest level of education that you Q. 3 4 finished with? Α. High school. 5 And then any kind of HR-related classes that 6 you've taken in the last five years? 7 Α. No. 8 Any wage and hour related seminars or classes 9 that you've taken in the last five years? 10 Α. I'm sorry, I can't hear you. I didn't. 11 Any kind of wage and hour seminars or 12 Q. compliance classes or anything like that? 13 Α. No. 14 And then how long have you been an HR manager 15 for Menzies at SFO airport? 16 Α. Ten years. 17 When Menzies took over ASIG, did Menzies bring 18 with it its own employment policies and handbook? 19 They had one, yes. A. 20 Were those distributed to the employees that Q. 21 they took over in July of 2017? 22 I'm sorry, can you repeat the question. A. 23 Sure. When Menzies took over ASIG in July of 24 25 2017, did they distribute the Menzies employment

right, you give it to the employees and then they 1 acknowledge receipt of it, correct? 2 Α. Yes. 3 And they acknowledge that they have been given 4 one, isn't that the practice? 5 So the practice, Ms. Aguilera, is that once 6 the handbooks become available, you provide the 7 handbook to the employee and then they sign an 8 acknowledgment for receipt of them, is that correct? 9 Α. Yes. 10 0. And then are you familiar with the Menzies 11 code of conduct? 12 Α. 13 Yes. And that's another kind of set of policies or 14 paperwork that's given to each employee, is that 15 16 correct? It's in the handbook, yes. 17 Α. Q. Oh, so it's part of the handbook? 18 Yes, it is. Α. 19 Is there a separate acknowledgment of receipt 20 for the code of conduct or it's all just one? 21 It's all just one. Α. 22 Was there ever a training with regards to the 23 0. Menzies California handbook and code of conduct? 24 there any kind of training like that? 25

There was, when the employees came in to sign 1 A. all the documents, we went over the documents with 2 3 them. So how did that go? You called some of the 4 employees one by one or like a seminar? How did that 5 6 go? They would come in according to their 7 schedule, if they didn't have flights, they would come 8 into the HR department. We would -- I would arrange it 9 with their manager. 10 Q. Like how many people would come in at one 11 time? 12 A couple at a time. 13 And then when you said you would go over it 14 with them, you actually went through some of the pages 15 and --16 What they were signing, yes. 17 Α. Q. What they signed. 18 Either myself or my clerk. 19 I see. Do you have an independent 20 recollection of doing something like that with 21 Mr. Renaldo Navarro? 22 No, I can't say that I do. I didn't do a lot 23 of them. My clerk did a lot of them, most of them. 24 In July or August of 2018, who was your clerk? 25

1	Q. Any other reason?
2	A. No.
3	Q. Is it your understanding that is it your
4	understanding that somehow in the code of conduct
5	there's something there that addresses the concern that
6	you're not supposed to force employees to sign a
7	petition?
8	A. Yes.
9	Q. And do you remember seeing something like that
10	in the code of conduct?
11	A. Yes.
12	MR. URIARTE: So, David, can we get Exhibit 13,
13	please.
14	(Plaintiff's Exhibit 13 marked for
15	identification.)
16	ZOOM HOST: I sent a Chat to Tracy, and she should
17	be able to open that link, and she has a laptop, so she
18	can see the whole document.
19	MR. URIARTE: Okay. Very good. So you're not
20	going to open it over here or
21	ZOOM HOST: If you like, I can do that. It's up
22	to you.
23	MR. URIARTE: Yeah, can we do that?
24	ZOOM HOST: Okay. Sure. Coming back up.

memory is that they had the handbook at that point 1 already, is that correct? 2 Α. Yes. 3 And who would know for certain whether that's 0. 4 true or not? 5 The documents should be in the files. 6 Yeah, well, I guess what I can represent to 7 Q. you is that -- and I should show you that -- let's look 8 at Exhibit 15, please. 9 (Plaintiff's Exhibit 15 marked for 10 identification.) 11 MR. URIARTE: O. So here is one of those 12 documents that lists the signature. If we look below, 13 it's got a blank, no employee name, no employee 14 signature. This was produced to us by your attorneys. 15 And so I have yet -- I mean, I guess, if you 16 get back to your office and you see some sort of 17 acknowledgment form that has Mr. Navarro's signature on 18 it, I think that would be helpful, but we have yet to 19 see that. 20 Okay, Ms. Aguilera? Did you understand my 21 request? 22 Α. Yes. 23 All right. How did you first find out that 24 there was a petition circulating about Andrew Dodge? 25

- The union notified me. A. 1 And how did they notify you? 2 They called me. It wasn't "they." Charles 3 called me, the man named Charles that worked in the 4 union office. 5 And what did Charles say to you? 6 He said, "Tracy, are you aware that there's a 7 petition being circulated? Our members -- several 8 members have called and complained that they were being 9 forced to sign a petition." 10 Q. Okay. And then anything else that Charles 11 said to you? 12 Α. No. 13 And so, in response to that, what did you do? 14 Well, I asked him if he had a copy of the 15
 - petition and who was being forced, but he never got back to me on that. With that being said, I made contact with the acting general manager at the time, and his name was Renil Lal, and I told him that I received the call from the union.

16

17

18

19

20

21

22

23

24

- Okay. And did Renil get you a copy of the petition?
- Not right away. I don't believe -- no, he did not.
 - Q. Do you know how long before you actually got a

bring up Exhibit 8.

(Plaintiff's Exhibit 8 marked for

identification.)

MR. URIARTE: Q. Can you see Exhibit 8,

Ms. Aguilera?

18

19

21

22

23

24

25

A. Yes.

Q. Do you remember this to be the petition that we're talking about?

A. This is the one that I believe was given to

Raul Vargas.

Q. Okay. Let's scroll to page 2 just to make sure Ms. Aguilera sees the whole document. It's a three-page document.

And this is the one that has Renaldo Navarro's signature on line 16, as you see there. Do you see that, Ms. Aguilera?

- A. Yes.
- Q. Okay. And then it also has the signature of the other supervisor, July Macapagal. Do you see that?
 - A. Yes.
- Q. Okay. So we've been calling this the first petition. So if we scroll back to page 1 -- and I understand that you've said that you asked the security department or Raul Vargas asked the security department to investigate the role of Mr. Navarro. I understand that part.

What I'm now distinguishing with you is with regards to the subject matter of this petition. And I'll let you read it, or if you want, I can read it for you.

Are you able to read it fine, Ms. Aguilera?

- A. Yes, I know how to read, yes.
- Q. Okay. So it says, "We the fuelers on Menzies 130 side would like to make a petition against Andrew

Dodge. The way he supervised is very unprofessional when he run the operation or supervised, people are not [taking] their breaks it's because the way he set up the flights" -- okay? -- "and he always blaming the people there's a delay or always saying lack of manpower and trucks issues."

Okay. So let's just stop there. That part of the petition, was that ever investigated?

- The whole scenario was investigated by Kevin Blumberg.
- Q. Aside from the email that contains some of Mr. Blumberg's conclusion, is there another document that addresses these concerns?
 - Α. I don't have them.
- So if there is an investigation, it would be part of what Mr. Blumberg engaged in, correct? Is that correct?
 - Α. Yes.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Let's go on to the next one. Okay. truth is he doesn't know how to run the show, we also addressed the problem to the higher position managers (Nicco, John and Renil) as usual nothing happened, looks like they always covering his mistake or maybe these managers don't know anything about fueling also like Andrew Dodge lack of experience about fueling."

document that writes or has further conclusions 1 regarding his investigation? Ms. Aguilera? 2 No, I don't have a copy of it. 3 0. Okay. I guess my question is more -- when we 4 see Mr. Blumberg's product or result of his 5 investigation into the petition, this is what we're 6 looking at right here, the email that he wrote to you 7 with his conclusions, is that correct? 8 Α. This says a statement, yes. 9 Aside from this statement, is there any other Q. 10 written document? 11 Not that I have. Α. 12 And here his conclusion really is 13 "unprofessional behavior by a supervisor." Do you see 14 that? 15 Yes, I see it. 16 Q. Just taking that kind of like in its 17 isolation, "unprofessional behavior by a supervisor," 18 would that result in a termination? Is that something 19 that would normally result in a termination? 20 A. It depends on the caliber of the -- what he's 21 done. 22 And your recommendation actually was not to 23 terminate, correct? 24 A. Myself and our directors, yes -- my director, 25

ou che
he
116
of
<mark> </mark>
n my
my
•
ıt is
ıt is
t is
I se of
I se of
I se of

That's a typo with the date? 1 Q. Yeah, it shouldn't have been October. 2 Q. Okay. So it should have been October 27, 3 4 2018? No, I believe --5 Α. 0. I mean -- yeah. 6 I believe it should have been August 27th. 7 Α. Okay. So you believe that to be a typo? 8 Ο. I believe so. Α. 9 All right. So are you saying that two days Q. 10 before Mr. Navarro was terminated, Mr. Rafael Martinez 11 also gave Raul Vargas a petition asking Andrew to be 12 removed? 13 Α. Yes. 14 With regards to the suspension on August 20, 15 who recommended and approved the suspension? 16 Raul Vargas and Kevin Blumberg. 17 Α. Q. Before the issue with the petition, did you 18 receive any complaints or did you hear about complaints 19 from fuelers against Andrew Dodge? 20 A. Only from Rey. 21 Did you see the pictures that were circulating 22 of Mr. Andrew Dodge sleeping on the job? Was that 23 something that you saw? 24 A. Yes, I did see one. 25

- Q. Did you ever have a discussion with Renil with regards to Rey Navarro's complaints against Andrew Dodge?
 - A. Yes.

19

20

21

22

23

24

- Q. And how many times do you think Renaldo

 Navarro complained to Renil about Andrew Dodge? Do you

 remember any of that?
 - A. No.

Dodge sitting in his car outside after -- sleeping in

his truck after he was off work.

24

Α. Yes. 1 It says that, quote, "On September 6th, 2018" 2 -- it's about nine days after the termination of 3 Mr. Navarro -- "I was asked by Menzies fuelers to write 4 a Petition on behalf of the Fuelers on 130 side vs. 5 Andrew Dodge. The petition was written out and signed 6 by the Fuelers" and then turned over to the union. 7 addition, it was also given to Raul Vargas. 8 Were you made aware of this particular 9 petition? 10 A. After it was given to Raul Vargas and given to 11 Kevin Blumberg. 12 So, and just to make sure we're speaking of 13 the same thing, so there was a first petition, and this 14 seems to be the second petition. And this is a 15 separate petition, you understand that? 16 A. Yes. 17 Q. What came out of this second petition, if 18 anything? 19 A. Nothing on the HR side. There was no union 20 grievance, there was no complaint by the union except 21 for the original phone call I received. 22 Q. And so you said it was given to Mr. Blumberg. 23

Was an investigation actually done because of this

24

25

second petition?

1	A. If I'm not mistaken, this is for the same
2	issue.
3	Q. So no additional investigation was done?
4	A. Not to my knowledge.
5	MR. URIARTE: Now, let's go to Exhibit 17, please.
6	(Plaintiff's Exhibit 17 marked for
7	identification.)
8	MR. URIARTE: Q. Okay. You see Exhibit 17, I
9	believe it's Employee Performance Development and Steps
10	to Progressive Discipline.
11	If you could go down a little bit, David, that
12	would be better.
13	This is a reverse pyramid here. And you're
14	familiar with this, Ms. Aguilera?
15	A. Yes, I am.
16	Q. My question here really is how come
17	progressive discipline was not instituted?
18	A. Harassment has zero tolerance.
19	Q. And was it discussed as an option?
20	A. I'm sorry?
21	Q. Was it discussed as an option?
22	A. Progressive discipline for harassment?
23	Q. Yes.
24	A. No.
25	Q. Is that written somewhere where harassment,

0.10 0 0010
later on about the extent to which you had discussions
regarding Andrew Dodge's work performance. If there
were issues with Andrew Dodge's work performance, would
those typically be brought to your attention or to
someone else's attention?
A. Usually it would go to the manager, if there
were issues, it would go to it's a protocol. It
would go to the supervisor, the supervisor would go to
the general manager, the general manager would go to
the director.
Usually if there's I usually get involved
if it comes down to a final warning or a suspension
pending termination.
Q. Okay. But in terms of everyday work
performance, that's something that you're not usually
involved with?
A. No.
MR. WU: David, we can take off Exhibit 8. Thank
you.
Q. Mr. Uriarte also asked you about some pictures
of Andrew Dodge that you had seen.

A. Yes.

- Q. I think I lost count. How many photos have you seen?
- A. One or two. I believe I can really remember

- come in at 8:30. And it was -- like the picture outside, it was, you know, after 8:30, it was light out, and I actually seen him. But the one in the office I only know because, you know, even Rey would say, "This is what I took this morning," and Rey would come in later.
 - Q. Okay. So just to make sure I understood that all correctly, the photo where Andrew was sleeping in his truck, you could tell he was off duty because there was light out in the photo?
 - A. Yes, it was light, because I come in at 8:30 in the morning, and he's off work by then.
 - Q. And the second photo with Andrew sleeping in the supervisor's office, you knew that he was off duty because Rey mentioned that it was a photo he took in the morning?
 - A. Yeah, exactly, yes.
 - Q. And Andrew would be off duty in the morning?
 - A. Yes, because he worked graveyard.
 - Q. Do you remember Mr. Uriarte asking you whether Mr. Navarro complaining about any issues with Andrew Dodge would be part of Mr. Navarro's duties as a supervisor?
 - A. Yes.
 - Q. And do you remember answering yes to that

STATE OF CALIFORNIA 1 COUNTY OF SAN FRANCISCO) 2 I, CINDY TUGAW, a Certified Shorthand Reporter 3 of the State of California, duly authorized to 4 administer oaths pursuant to Section 8211 of the 5 California Code of Civil Procedure, do hereby certify 6 that 7 TRACY AGUILERA, 8 the witness in the foregoing deposition, was by me duly 9 sworn to testify the truth, the whole truth and nothing 10 but the truth in the within-entitled cause; that said 11 testimony of said witness was reported by me, a 12 disinterested person, and was thereafter transcribed 13 under my direction into typewriting and is a true and 14 correct transcription of said proceedings. 15 I further certify that I am not of counsel or 16 attorney for either or any of the parties in the 17 foregoing deposition and caption named, nor in any way 18 interested in the outcome of the cause named in said 19 caption. 20 Dated the 10th day of September, 2020. 21 22 23 24 CINDY TUGAW

25

CSR No. 4805 (California)

```
Tracy Aguilera
 1
      c/o Foley & Lardner
      555 California Street, Suite 1700
 2
      San Francisco, CA 94104
             Jason Y. Wu, Esq.
      Attn:
 3
     Date:
             September 10, 2020
 4
          Navarro vs. Menzies
     Re:
                        Tuesday, August 25, 2020
 5
     Deposition Date:
     Dear Ms. Aguilera,
 6
              Please be advised the original transcript of
 7
     your deposition is ready for your review.
              Pursuant to FRCP Rule 30(e), you have 30 days
 8
      following the date of this notice to read, correct if
     necessary, and sign your transcript unless the
 9
      attending parties and the deponent agree on the record
      or otherwise in writing to a longer or shorter time
10
     period.
               The deponent may change the form or the
      substance of the answer to a question, and may either
11
      approve the transcript of the deposition by signing it,
      or refuse to approve the transcript by not signing it.
12
      You are not required by law to read and sign your
      deposition transcript. All parties will be informed of
13
      the corrections. The original transcript will then be
      sealed and sent to the examining attorney pursuant to
14
      the applicable law.
              You may either come to our office to read and
15
      sign the original transcript, or you may contact your
16
      attorney or the attorney who arranged for you to be
     present at your deposition. If they have ordered a
      copy of the transcript, you may review their copy and
17
     make corrections by submitting, signing and returning
      the attached form. If you choose to review your
18
      transcript at our office, please call first to make an
                    Should you have any question regarding
      appointment.
19
      these instructions, please call.
20
      Sincerely,
21
22
     NOGARA REPORTING SERVICE
      5 Third Street, Suite 415
23
      San Francisco, California 94103
      (415) 398-1889
24
          All counsel, original deposition
25
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 172 of 312

EXHIBIT 16

Case 3:19-cv-0815 PEPOSITION OF RAUL VARGAS /15/98/25/2029 INDEX 1 Page Number 2 4 3 EXAMINATION BY MR. URIARTE 73 4 EXAMINATION BY MR. WU FURTHER EXAMINATION BY MR. URIARTE 74 5 ---000---6 EXHIBITS 7 Plaintiff's 8 Plaintiff Renaldo Exhibit 1 9 9 Navarro's Amended Notice of Deposition of Raul 10 Vargas 11 Exhibit 8 Petition to Menzies 26 Management from Menzies 12 Fuelers 13 Exhibit 9 Termination notice for 60 Renaldo Navarro 14 Exhibit 11 61 Employee Performance 15 Development dated 8/29/2018 16 Exhibit 12 Email chain culminating 66 17 in an email from Raul 18 Vargas to Tracy Aguilera dated August 29, 2018 19 Exhibit 19 Letter from Rafael Vasquez 43 to whom it may concern 20 dated 11/18/2018 with attached petition 21 ---000---22 23 24 25

1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition and on Tuesday, the 25th day of
3	August, 2020, commencing at the hour of 9:03 o'clock
4	a.m. thereof, via Zoom videoconference, before me,
5	CINDY TUGAW, a Certified Shorthand Reporter in the
6	State of California, personally appeared,
7	RAUL VARGAS,
8	called as a witness by the Plaintiff, having been by me
9	first duly sworn, was examined and testified as
10	hereinafter set forth.
11	00
12	APPEARANCES OF COUNSEL
13	For the Plaintiff LIBERATION LAW GROUP, P.C.
14	2760 Mission Street San Francisco, California 94110
15	BY: ARLO GARCIA URIARTE, Attorney at Law (415) 695-1000
16	(413) 000
17	For the Defendants FOLEY & LARDNER, LLP
18	555 California Street, Suite 1700 San Francisco, California 94104
19	BY: JASON Y. WU, Attorney at Law (415) 984-9848
20	Also Present: David Ho, Zoom Host.
21	00o
22	
23	
24	
25	

1	THE REPORTER: Good morning. At this time, I will
2	ask counsel to stipulate on the record that there is no
3	objection to this deposition officer administering a
4	binding oath to the witness via Zoom, starting with the
5	noticing attorney.
6	MR. URIARTE: No objection.
7	MR. WU: And no objections on behalf of Menzies
8	Aviation.
9	(Whereupon, the Witness was duly sworn by the
LO	Reporter.)
L1	EXAMINATION BY MR. URIARTE
L2	MR. URIARTE: Good morning, Mr. Vargas.
L3	A. Good morning.
L 4	Q. Could you please state and spell your name for
L5	the record.
L6	A. Yes, so my name is Raul Vargas, R-a-u-l, last
L7	name V, as in Victor, a-r-g-a-s.
L8	Q. Okay. And if I ask you what your formal name
L9	is, like, for example, what's on your passport or
20	something like that, what would you say?
21	A. Raul Herman Vargas Aroca.
22	Q. And so, Herman, Herman is H-e-r-m-a-n, is that
23	what it is? Herman, did you hear me?
24	A. Yes, it's H-e-r-m-a-n.
25	Q. And then I missed your mother's maiden name.

around in the workplace? 1 I don't recall that. 2 Would you say that it was going around for a 3 4 month already and then his termination happened? Α. I don't recall it. 5 Can you give me your best estimate, like a 6 week, or do you have a time frame in your head at all? 7 I don't have a time frame in my head right 8 now. 9 So you don't remember kind of like whether it Q. 10 was days or weeks? 11 I don't remember when this was brought to my 12 attention. 13 And "this" being the petition, correct? 14 In relation to the petition. 15 I think, Mr. Vargas, we need you to speak up a 16 Q. little bit or maybe get closer to the microphone. 17 Α. Yes. 18 Thank you. So what about this: Do you 19 remember who brought the petition to your attention? 20 A. Tracy Aguilera. 21 So it was HR who actually let you know that, 0. 22 hey, there's this petition going around? 23 A. HR. 24 Q. Aside from Tracy, did anybody else talk to you 25

about the petition? 1 Nobody else talked to me. She was the first 2 person who talked to me about the petition. 3 4 Q. Okay. And then when you say she's the first person, was she also the only person that talked to you 5 about the petition? 6 Α. No. 7 Did anybody else talk to you about the 8 petition before Mr. Navarro's termination? 9 Α. Yes. 10 Q. Who else? 11 Our operation manager for fuel. Α. 12 Who was that? 0. 13 Α. I don't recall his last name. Renil. 14 Renil? Q. 15 Α. Renil. 16 Q. R-e-n-i-1? 17 Α. That is, yes. 18 I believe he's not with the company anymore, 0. 19 correct? 20 Α. He's not. 21 Do you know where he is right now? Q. 22 I do not know. Α. 23 All right. Aside from Renil, did anybody else 24 Q. talk to you about the petition? 25

1	A. Nobody else.
2	Q. Okay. What did Renil tell you about the
3	petition?
4	A. That there was a petition going around to
5	terminate Andrew.
6	Q. To terminate Andrew. Anything else?
7	A. Nothing else that I can recall.
8	Q. Okay. Did you actually read the petition?
9	A. I read the petition, yes, I did.
10	Q. And you read the petition before the
11	termination?
12	A. Yes, I did.
13	Q. And when you read it, that's what it said, to
14	terminate Andrew?
15	A. I don't recall exactly what it says, but it
16	was about Andrew's performance, and it was about
17	removing Andrew from the position.
18	Q. And then, aside from saying that to you,
19	anything else Renil told you about the petition?
20	A. Nothing else nothing else that I can
21	recall.
22	Q. Okay. What about Tracy, what did she talk to
23	you about the petition?
24	A. Well, Tracy told me about everything that she
25	was getting information from. The first conversation I

relation to the petition?

- A. Nothing else at that time.
- Q. Okay. And so you said to do an investigation about the petition. What does that mean? What did you actually tell Tracy to do?
- A. To perform an investigation about how -because we received some calls from the union, and also
 received some information about Andrew, that he
 received a message from Navarro. So at that time it
 was important for me to understand how that petition
 was created. How they did it.
- Q. All right. And then you said also about how the petition was put together. So why was it important for you to know how or who put together the petition?
- A. Because of the feedback that I received from Tracy, from HR.
- Q. And what's that information that you received from HR?
- A. As I said before, she told me that somebody from the union contact her telling her that there was a person asking for sign a petition, who was forcing the employees to do it.
- Q. And did you ever find out who actually put together the petition?
 - A. Yes, we did.

1	Q. And who was it?
2	A. Mr. Navarro.
3	Q. I'm sorry?
4	A. Mr. Navarro.
5	Q. And how did you reach how was that
6	conclusion reached? Like how did you guys reach the
7	conclusion that Mr. Navarro wrote the petition?
8	A. There was an investigation done, performed by
9	the safety department.
LO	Q. So the safety department person actually said
L1	Mr. Navarro wrote the petition, is that your
L2	understanding?
L3	A. Yes. And also because of the messages that
L 4	Andrew received from Mr. Navarro.
L5	Q. Right. But that message said, "I'm holding on
L6	to the petition. I haven't submitted it." It doesn't
L7	say, "I wrote the petition that I'm going to give." Do
L8	you know what I'm saying? It says, "I'm holding on to
L9	the petition and I haven't submitted it."
20	So I don't know how that text message kind of
21	leads to the conclusion that he wrote it. Can you
22	explain it to me?
23	MR. WU: Objection. Assumes facts not in
24	evidence.
25	You can answer if you understand the question.

1	MR. URIARTE: Q. Mr. Vargas?
2	A. Well, I think that when you receive a message
3	from I don't know where somebody in relation to a
4	petition, that is an alert.
5	Q. Is what?
6	A. Is an alert.
7	Q. Okay. But I guess my question is how does
8	that text message lead you to conclude that Mr. Navarro
9	wrote the petition?
10	A. That was not the one that drove me to
11	understand that Mr. Navarro did the petition.
12	Q. What did make you understand that Mr. Navarro
13	wrote it?
14	A. Well, because the investigation from the
	A. Well, because the investigation from the safety department.
14	
14 15	safety department.
14 15 16	g. Okay. So the investigation from the safety
14 15 16 17	Q. Okay. So the investigation from the safety department actually has a report?
14 15 16 17	Q. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees.
14 15 16 17 18	Q. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees. Q. Statements from employees. Okay. Anything
14 15 16 17 18 19	<pre>g. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees. Q. Statements from employees. Okay. Anything else?</pre>
14 15 16 17 18 19 20	<pre>gafety department. Q. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees. Q. Statements from employees. Okay. Anything else? A. They had a statement from employees and their</pre>
14 15 16 17 18 19 20 21	safety department. Q. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees. Q. Statements from employees. Okay. Anything else? A. They had a statement from employees and their final outcome out of the investigation.
14 15 16 17 18 19 20 21 22 23	<pre>safety department. Q. Okay. So the investigation from the safety department actually has a report? A. They have statements from employees. Q. Statements from employees. Okay. Anything else? A. They had a statement from employees and their final outcome out of the investigation. Q. Are you talking about the final outcome as</pre>

this petition. 1 Well, and if I can go back --2 Q. Yes. 3 Α. -- I never asked to investigate on who wrote 4 the petition. 5 So for you that wasn't important? 6 0. Α. 7 No. Q. So when you finally concluded that termination 8 was the proper discipline, that wasn't part of the --9 for you, that's not the important part, right? 10 11 About who wrote the petition, no, no, not at all. 12 Q. For you it was, hey, you've got this guy 13 forcing employees to sign the petition. That's what it 14 was, right? 15 A. Yes. 16 I got it. Okay. So that leads to the 17 Q. question of when -- so let's say August 29 is 18 eventually the time that he gets terminated. Do you 19 remember about when you concluded in your head, hey, I 20 need to terminate Mr. Navarro? Do you remember when? 21 The specific date, no, but it should be around Α. 22 that time. 23 Like within days of it or within a week or --Q. 24 Α. I cannot tell. I don't -- I don't recall it. 25

- A. I don't recall the date.
- Q. Okay. So, but before concluding that Navarro actually forced employees to sign the petition, I kind of want to make sure that I get all of the steps that you took to be satisfied that your conclusion was correct. All right?
 - A. Yes.

- Q. So I saw the investigation statement. I saw the letters from the employees. That's understandable. But other than that -- and then you talked to Tracy as well, right? You had email communication with Tracy. Other than those steps, did you do any other steps?
- A. No. Well, actually I was waiting for the final outcome from the investigation. And it was not just the feedback that I received from the safety department. Also the conversations I had with Tracy in relation to this case.
- Q. Okay. But did you ever ask the safety department, hey, did you guys talk to the fuelers?
 - A. Yes, I did.
 - Q. And what did they say?
- 22 A. They told me that they -- he was -- so the
 23 safety department told me that Mr. Navarro was forcing
 24 employees to sign the petition, and he was creating -25 he was harassing people to have this petition signed.

Q. Okay. So forcing employees to sign the 1 petition. What's wrong with that? 2 A. Well, I think that when you have -- you take 3 advantage of your rank, that is harassment because of 4 how the other people feel. 5 Anything else that's wrong with that? 6 Yes. So when they use this rank, people feel 7 scared of having this confrontation with the 8 supervisor, so they prefer to sign the petition without 9 understanding what the petition was for. 10 So are you saying that the safety department 11 talked to everybody that signed that petition and 12 verified whether they actually signed it or not? 13 Α. I cannot guarantee that they talked to hundred 14 percent of the employees. 15 Q. Okay. But do you know how many people they 16 talked to? 17 I don't know exactly how many people they 18 talked to. 19 Q. And then you used the word "harassment." How 20 are you using that word "harassment"? What do you mean 21 by that? 22 A. Well, for me, harassment is pretty much --23 it's to force or intimidate people. So, in this case, 24 when he's taking his rank as a supervisor, telling 25

people to sign a petition that they don't know what 1 it's for, that for me is intimidation. And that's how 2 3 they -- the employees felt. 0. How many employees are we talking about --4 Α. Well --5 -- that felt like that? 6 0. 7 Α. I'm sorry? How many employees felt like that? 8 0. I cannot tell you exactly the number of, but I Α. 9 can tell you in terms of the -- the statements we 10 received. There were around three employees. 11 And then there were over 20 people who signed 0. 12 the petition, right? 13 Α. Yeah. 14 So out of the more than 20 people who signed 15 the petition, three people felt like, oh, maybe I 16 didn't read it and then I signed it and maybe I --17 MR. WU: Objection. Objection. Lack of 18 foundation. Calls for speculation. Misstates prior 19 testimony. 20 MR. URIARTE: Q. So, Mr. Vargas, when your 21 attorney objects, we allow him to finish his objection 22 so that it's written into the record. Please allow him 23 to finish, and then you can answer afterwards unless 24 your attorney tells you not to answer. Okay? 25

- A. So, for me, if we have people that feel that 1 way, it's really important to ensure that we have the 2 right environment for our employees. Harassment is a 3 4 really important matter in our environment in a business. 5 I got that. I got that. So you've got three 6 0. people complaining about the way that the harassment --7 We have -- remember -- sorry, can I --8 Please, please. Q. 9 So, remember, we had those three guys, but Q. 10 also we had some feedback from the union saying that 11 this person was harassing people to sign the petition. 12 Okay. But what about the subject matter of 13 0. the petition itself? Weren't they doing the same thing 14 as well? You said it's very important for you that 15 people work in a proper environment, right? 16 Α. Yes. 17 But the nature of the petition itself kind of 18 complains about the environment, right? 19 Α. Yes. 20 Okay. So isn't that also a valid concern? Q. 21 It is. Definitely it is. Α. 22
 - Q. Okay. And what was done about that?

24

25

A. Well, I think that it's important from the extent of the document, where the document is coming

Tracy and Renil? Does that make sense? 1 I cannot confirm a hundred percent that this 2 was the one. 3 Q. Okay. So if we go down a little bit, yeah, 4 you'll see Mr. Navarro's signature on this one. 5 Α. Yes. 6 And this document actually comes from your 7 company, if you see the Menzies number there, Menzies 8 153. And so line 24 there on the second page -- I'm 9 sorry, line 16 of the second page has Mr. Navarro's 10 signature. Do you see that? 11 Α. Yes. 12 All right. So, again, going back to your 13 conclusion earlier, you're saying, if you think that 14 Mr. Navarro was forcing all of these people to sign the 15 petition, you believe the petition is now without 16 validity, is that correct? 17 A. Well, I don't think that it has the same 18 validity, definitely. Now, what is most important to 19 bring out is that I had a conversation with HR about 20 Andrew, because they were -- in the letter I believe 21 they complained also about him falling asleep on the 22 operation. 23 So I had this conversation with HR. And they 24

explained to me and they addressed that issue before I

started working at Menzies. Because, again, I started 1 June 2018. And this was happening -- this happened in 2 3 August. 0. Yes. Right. So you started in June of 2018, 4 and this was happening in August. So you didn't have 5 that much kind of context with regard to what was 6 happening from the last year, is that correct? 7 (Indicates affirmatively.) Α. 8 Q. Mr. Vargas? 9 Yes. Α. 10 MR. WU: Arlo, I'm sorry to interrupt. Can we 11 take a quick break in the next five minutes? Whatever 12 is a good stopping point for now. 13 MR. URIARTE: That's fine. We can take a break 14 now. No problem. 15 MR. WU: Thanks a lot, Arlo. Let's go off the 16 record. 17 MR. URIARTE: No problem. 18 (Brief recess.) 19 MR. URIARTE: O. So we were talking about Exhibit 20 8, Mr. Vargas. My question is with regards to the 21 actual things that the fuelers were complaining about. 22 And I just want to clarify something. 23 Was there ever an investigation by Menzies 24 with regard to the context or the content of their 25

1	petition, the subject matter of their petition?
2	A. Well, there was an investigation before in
3	terms of what they were complaining about, that this
4	was happening at the company. And that was the
5	conversation that I had with Tracy, with HR, in
6	relation to this petition, what they were saying.
7	Q. And what was the result of that investigation?
8	A. Well, that Andrew pretty much falls asleep
9	because he has sleep onea [sic].
LO	Q. You're talking about sleep apnea?
L1	A. Yes.
L2	Q. Anything else?
L3	A. And no, nothing else.
L 4	Q. What about the complaint that rest breaks or
L5	breaks were being were being missed or not taken?
L6	A. I don't recall about that.
L7	Q. What about like delays that were being caused
L8	by Andrew, was that ever investigated?
L9	A. No, no, not brought to my attention.
20	Q. So when you read this petition, I guess the
21	focus became Mr. Navarro asking people to sign the
22	petition. That was your focus, right?
23	A. Yeah. The environment that he create by doing
24	that.
25	Q. Okay. And you didn't really put focus on the

environment that Mr. Dodge was creating as alleged by 1 this petition? 2 Well, I did when I asked HR about that 3 petition, about those things that happened before I got 4 there, and that was what I received from HR. 5 So what I heard you say, they already --6 0. That they already took action on it. A. 7 And that's with regard to the sleep apnea? 0. 8 That is regard of everything. A. 9 Okay. So you're saying you did ask Tracy Q. 10 about what the fuelers were talking about in the 11 petition, correct? 12 (Indicates affirmatively.) 13 Okay. And that involved what was happening to 14 Andrew Dodge before, and something about sleep apnea 15 and sleeping and him falling asleep, correct? 16 Α. Yes. 17 Anything else, aside from that, that came as a 18 result of your inquiry with regards to the petition? 19 Also that, for me, nothing else for me to take 20 action for. 21 And, Raul, if you could just give a brief 22 pause between the end of Arlo's question and the 23 beginning of your answer. I think sometimes, when 24 there's a bit of overlap, is when we're getting that 25

feedback and it's becoming a little unclear. 1 THE WITNESS: Okay. 2 MR. URIARTE: Q. Did you ever have a discussion 3 with Mr. Navarro, before this whole petition started, 4 did you ever have a discussion with Mr. Navarro about 5 Andrew Dodge? 6 Α. Not that I recall. 7 So you don't remember him going up to you and 8 trying to talk to you about concerns about Andrew 9 Dodge? 10 No, I don't recall that. 11 Q. Aside from the petition and maybe Mr. Navarro, 12 did you ever get complaints against -- or about Andrew 13 Dodge in those -- June, July, August, the time you were 14 there? 15 A. No, I did not. 16 And so you were not involved in the promotion 17 of Mr. Dodge, correct? 18 No, I was not. 19 And before being at Menzies at the San 20 Francisco Airport, where were you working? 21 Α. I was working for TAS. 22 What does that mean? 0. 23 TAS, Total Airport Services. I worked there 24 as a general manager in San Francisco. 25

like, June to August of 2018. What were your duties and responsibilities?

A. Pretty much whatever -- as US director of operation, I'm looking for different -- different elements. So I have four different elements. The first one is financial. I look for all the financials of the station, all the four business lines that we have there at that moment, which it was the fueling business, the ramp business, the cargo business and the GSC business. GSC is ground service equipment. So we provide service to all the equipment that pretty much you see on the runway.

So I look also in terms of customer service, all the retention or attraction of new customers, interactions. I also look into the safety, ensuring that we run a smooth operation in a safe basis, putting all the safety processes in place to reduce every kind of risk out there on the ramp or in the different departments.

And I also look into the people. What I mean by the people, well, I make sure that environments, the retention, the attraction of new employees, and how can we retain employees in the long-term.

Q. Okay. Thank you for that. Being that you were new to the San Francisco Airport operation, before

<< NOGARA REPORTING SERVICE >>

pulling the trigger and actually recommending the 1 termination of Mr. Navarro, did you talk to anyone with 2 regards to that decision? 3 A. Yes. I talked to HR. 4 Who else? 5 Q. I talked to HR and nobody else about that 6 decision. 7 So you didn't talk to Renil and say, "Renil, I 8 know you've been here a while. What do you think about 9 this?" 10 I don't recall it, talking to Renil. 11 How much did you know about Mr. Navarro at the 0. 12 time that you terminated him? 13 I didn't know that much about Mr. Navarro. 14 Okay. Did you know that he had been working 15 for Menzies a long time at that point? 16 Α. Yes, I did. 17 And then what were you trying to accomplish by 18 choosing to terminate Mr. Navarro? 19 A. Well, I think that, as I said before, my job 20 there is to ensure that we can retain employees. And 21 the only way to retain employees is to ensure an 22 environment where they work is a good environment. So 23 when you have one person, just one person, complaining 24 about supervisor harassment, then you need to take 25

"We think this is the right time to broadcast 1 Α. the problem in this company. We are hoping this 2 problem will be addressed." 3 Okay. Was this problem ever addressed, 4 Mr. Vargas? 5 It was addressed at the moment, but I was not 6 there. 7 I'm sorry? 8 Ο. It was addressed at the moment because this is Α. 9 old case, but I was not there when that happened. 10 Q. Okay. When did you go to Los Angeles? 11 Α. September. 12 0. Of? 13 Α. September -- September 1st, 2019. 14 Q. So that was a year later, right? 15 16 Α. Yes. Q. So within -- from August to -- August 2018 to 17 September 2019, was there anything done about what was 18 written here? 19 A. No, as I said before, the conversation with 20 HR, because I was not aware of all this that was 21 happening with Andrew, I had a conversation with HR 22 where they -- where HR told me about what happened and 23 what the final outcome of that investigation was. 24 Q. With regards to the investigation on the sleep 25

1	apnea, is that correct?
2	A. In regards to the issues that they were
3	having that they are complaining about Andrew.
4	Q. Okay. So it says, "the way he supervised is
5	very unprofessional when he run the operation or
6	supervised." Anything that was done about that?
7	A. At the moment that I get there, I hadn't had
8	any problem with Andrew. And I didn't get any
9	complaint from any fueler in relation to Andrew.
10	Q. Did you talk to any of the fuelers about the
11	way he supervises is very unprofessional and run the
12	operation or supervise?
13	A. I'm sorry, no, I did not talk to any fuelers
14	about the way he supervise.
15	Q. Do you know if Tracy or HR did that?
16	A. In the conversations we had, it wasn't
17	specific about his performance in terms of OTP, which
18	is operational on time performance, I'm sorry.
19	Q. And then it says okay. I'm sorry, I think
20	we missed the last part. Did you say something there?
21	A. No.
22	Q. Okay. "People are not taking their breaks
23	it's because the way he set up the flights." That one,
24	did you ask about that? Was that something that was
25	taken care of?

1	A. Well, I didn't receive no complaints about
2	people not taking the breaks. And I want to can
3	I the policy that I have, when I manage people, is
4	really open. And what I do is I always invite people,
5	when they have issues, to talk about the problems they
6	have. The moment that I raised all those points with
7	people, I never would receive no complaints from no
8	fueler in relation to Andrew's performance.
9	Q. Okay. But if you see the second page there of
10	this petition, they did. They did come forward, right?
11	Because you have 25, 26 people signing.
12	If you have an open-door policy about letting
13	you know about the complaint, wasn't this what these
14	people are doing? I don't see how
15	MR. WU: Objection. Lack of foundation.
16	Misstates prior testimony.
17	You can answer if you understand the question.
18	THE WITNESS: I think that that question I already
19	answered.
20	MR. URIARTE: Q. Which is you don't believe that
21	these people were really complaining?
22	A. We have people feel harassed to sign this
23	petition.
24	Q. So you feel every one of these people were
25	harassed to sign this petition, is that correct?

1	Q. And then did HR give you recommendation with
2	regards to other options available aside from
3	termination?
4	A. Well, the recommendation the recommendation
5	from HR was not to terminate him.
6	Q. And you didn't follow that?
7	A. No, actually, I asked why those
8	recommendations, which I think it's normal procedure.
9	Q. So you're saying you asked the recommendation
10	from HR, and then what did HR say?
11	A. That based on the on the recommendation and
12	the conversation they had with the director, they're
13	recommending not to terminate, but it was just I'm
14	sorry, that it was just a recommendation, I'm sorry.
15	Q. Okay. So HR's recommendation is not to
16	terminate, right?
17	A. Yes.
18	Q. But you did not follow that, right?
19	A. No, because I I needed to see the final
20	outcome of the investigation to take the right
21	decision.
22	Q. And what did you see in the final outcome that
23	made you conclude that termination was the right
24	action?
<mark>25</mark>	A. I get the final outcome from safety department

MR. WU: Objection. Improper hypothetical.

24

25

foundation.

Lacks

You can answer. 1 THE WITNESS: We investigated everything. 2 Everything -- we need to investigate everything to look 3 4 into how that is affecting the employees. MR. URIARTE: Q. Right. I know you have to 5 investigate. I guess my hypothetical is more, if you 6 learned that harassment was actually going on between 7 Andrew Dodge and his fuelers, then it would lead to the 8 conclusion that he should be terminated, too, right? 9 MR. WU: Same objection. 10 MR. URIARTE: Q. Is that correct, Mr. Vargas? 11 Α. It is. I protect the team. 12 I was looking at some of your corporate 13 documents with regards to handbooks and HR materials 14 and all that. And there's this thing called 15 progressive discipline. Were you aware of that? 16 Α. Yes, I am. 17 Q. Okay. And why is it that you did not use 18 progressive discipline in this situation? 19 Because there are cases that they're severe, 20 and then that's one of the outcome of the 21 investigation. 22 So it's like serious enough to terminate? 23 0. Α. Yes. 24 Q. Is that a yes? 25

A. Yes, it is a yes.

Q. Okay. And then d

- Q. Okay. And then did you ask or were you curious, maybe you should have had a conversation with Mr. Navarro?
 - A. I don't participate in the investigations.
- Q. Maybe like a phone call to Mr. Navarro to get his side of the story?
- A. No, I do not. I do not participate in any investigation.
- Q. And do you know whether or not they actually talked to Mr. Navarro and got his side of the story?
 - A. I just get the final outcome.
 - Q. You just get the final decision?
- A. The final outcome for -- from the investigation.
 - Q. My question is different. My question is when you were looking at all the different elements to decide whether to terminate or not, did you try to find out whether somebody talked to Mr. Navarro to get his side of the story?
 - A. No, I did not. I did not try to find out.
 - Q. Would you say that's kind of like basic investigation right there?
- MR. WU: Objection. Lack of foundation. Improper hypothetical.

1	You can answer if you know.
2	THE WITNESS: I won't say that is it all
3	depends on the kind of investigation they're running.
4	MR. URIARTE: Q. They what's the last word?
5	A. They are running.
6	Q. That they are running. Okay. But you didn't
7	look into what kind of investigation they were running?
8	A. I just look into the final outcome of the
9	investigation.
10	Q. And you never, like, got into your head and
11	said, what does Mr. Navarro say about all of this?
12	That's not something that you ever asked yourself?
13	A. No, I do not. I do not because I just look
14	into the final outcome of the investigation. So I
15	think that that question is for the people who perform
16	the investigation.
17	Q. So you said earlier that the goal of
18	terminating Mr. Navarro was to protect the employees
19	from the harassment, right? The environment of
-	
20	harassment, correct?
	harassment, correct? A. Yes.
20	
20 21	A. Yes.
20 21 22	A. Yes. Q. How is it different, in achieving that goal,

- find out that there is a harassment in the -- in the crew and in the environment, then the only way for you to ensure that we remove that harassment from the environment is to remove the person who is doing the harassment. In that every case is different, but when you have three people complaining about it, and at the same time you have a petition involving another employee which you're trying to achieve by harassing people is -- is not good.
 - Q. Okay. But the part about that that needs a little bit of explanation is you have this -- you say at the same time you have this petition, but what about the people that actually wrote the petition, right? So they have a concern, right? So --
 - A. Well, we go back to the same -- to the same conversations we had before, of the petition, when you have somebody that is pushing somebody to sign a paper that they don't even know what it's for.
 - Q. Right. For those three people, right?
 - A. Could be one, two, three, I don't know.
 - Q. Now, in your emails, you mentioned July or Julie Macapagal, it M-a-c-a-p-a-g-a-l. Actually, the name of an old Filipino president. July Macapagal.

 Does that name sound familiar to you?
 - A. He's also part of a supervisor crew.

on this. Exhibit 9, please, David. Thank you. 1 (Plaintiff's Exhibit 9 marked for 2 identification.) 3 MR. URIARTE: So if you could just scroll all the 4 way, David, so Mr. Vargas can see the whole document. 5 So this will be Exhibit 9. This is "Notice to 6 Employees as to Change in Relationship dated August 7 29, 2018. I'm good with my word with regard to the 8 date there, even though Jason did not want to go with 9 me on it. 10 0. So do you see that, Mr. Vargas? 11 Yes, I see that. Α. 12 Okay. So you didn't see this document before 13 0. it was issued? 14 I don't recall it, but it looks like the first 15 time that I see this document. 16 No problem. And then when it says "Code of 17 Q. Conduct, does that mean anything to you? 18 Α. Yeah. 19 What does that mean to you? 0. 20 It means that the person was not conducting Α. 21 correctly. 22 Q. Okay. And specifically what was he not 23 conducting correctly? 24 A. He was forcing people to sign a petition. 25

Q. Okay. Anything else that he wasn't doing 1 correctly? 2 A. I think that is enough for me. 3 Q. I'm just trying to complete things, so I'm 4 sorry I keep saying, "Anything else? Anything else?" 5 I'm just making sure it's complete. 6 So aside from him forcing people to sign the 7 petition, anything else that might have caused him to 8 violate code of conduct, or was that it? 9 A. I think that -- I think that -- well, no, 10 11 nothing -- well, but the reason why we terminate --12 Q. Yeah. A. -- because of forcing people to sign a 13 14 petition. MR. URIARTE: Gotcha. Okay. 15 And then could we have Exhibit 11, please. 16 (Plaintiff's Exhibit 11 marked for 17 identification.) 18 MR. URIARTE: O. So here's Exhibit 11. 19 was given to us by your lawyers as well. It's Menzies 20 95, if you look on the bottom. 21 Can you repeat that. Α. 22 Q. I'm sorry? 23 Can you repeat it, please. Α. 24 Q. Sure. So this is Exhibit 11. This is a 25

All right. And here it says this option, I 1 Q. quess, would have placed Mr. Navarro on final warning 2 for unprofessional conduct of a supervisor, right? 3 you see that? 4 Α. 5 Yes. And it says "distributing a petition and 6 disruption of the workforce." Do you see that? 7 Yes, I do see it. 8 Α. And then it says, "You are being placed on a 9 Final Warning which is your last and final opportunity 10 to" -- we don't know. I'm thinking it's like "change 11 your behavior, maybe. I don't know. We don't know 12 that. And then, "Any infraction, no matter how minor 13 in any of the 4 categories of Attendance, Conduct, 14 Safety or Work Performance, may result in your 15 immediate discharge." Do you see that? 16 Α. Yes, I see that. 17 0. And then the Final Warning box is marked. 18 Uh-huh. Yes. A. 19 Okay. And then if you see a little bit down, 20 just to make sure, there's no signature because it was 21 not used, presumably, correct? So my question about 22 this document is what's wrong with this option, 23 Mr. Vargas? 24 MR. WU: Objection. Improper hypothetical. Lacks 25

foundation. 1 THE WITNESS: I think that, based on the 2 investigation we come up with, this was not the option, 3 the right option for me at that moment. 4 MR. URIARTE: Q. Thinking about it now and 5 knowing a little bit more about the situation? 6 I already had final outcome of the 7 investigation. Make sure I need to have the right -- I 8 need to take the right decision. 9 You still think it's the right decision then, 10 Mr. Vargas? 11 I do believe that it was the right decision, 12 and that's why I took it. And you can tell when I 13 asked Tracy on -- in terms of her recommendation, 14 because I needed to ensure that we had all information 15 available to take the right decision moving forward. 16 Q. Okay. I guess I would have to ask, though, 17 don't you think that a final warning, one more little 18 mistake, may have resulted in the same outcome for you 19 in your goal of eliminating harassment? Because your 20 goal is to eliminate harassment. 21 A. Yes. 22 And a final warning like this --23 0. MR. WU: Improper -- sorry, I didn't know if you 24

were done with your question. I don't mean to cut off

- about it. But that's your position, you felt like you had enough documentation to do a termination?
 - Α. Yes.

24

25

Q. And you're avoiding the risk. Now, the risk

Okay. So at this point did you think that you 1 Q. needed to investigate more? 2 Yes, definitely, because she was not answering 3 my question on that -- at that point. 4 Okay. Very good. All right. And then if we 5 Q. go up a little bit. So here is your response, I guess, 6 August 29 at 5:01 p.m. And you kind of made the 7 decision to terminate Mr. Navarro, correct? 8 Α. Yes. 9 So in the hour between 4:04 p.m. and 5:01 10 p.m., what additional investigation occurred? 11 A. Well, we had a -- we had a conversation with 12 HR also, and I reviewed all the documentation in terms 13 of what the outcome of the investigation was. And at 14 that point I took the decision to terminate Mr. 15 Navarro. 16 Okay. Anything else that you did in that 17 Q. hour? 18 Well, we talked -- as I say, we talked with 19 HR, talked about the case. We collected all the 20 documentation, put all the documentation together. 21 then we took the right -- the last decision, and that's 22 why I send that email to HR. 23 At this point you were not provided a document 24 with regard to the final warning, right? You didn't 25

1	Q. During the time you were the director of
2	operations at SFO, aside from the petition that we've
3	already been discussing, did you hear any complaints
4	that Andrew Dodge wasn't running the operation
5	smoothly?
6	A. I did not.
7	Q. During the time you were director of
8	operations at SFO, aside from the petition, have you
9	heard any complaints about Andrew's job performance?
10	A. No, I did not.
11	Q. During the time you were the director of
12	operations at SFO, did you ever hear of any grievance
13	filed by the union against Andrew Dodge?
14	A. There is nothing on Andrew Dodge.
15	MR. WU: Okay. I think that's all the questions I
16	have on my end, Arlo, unless you have any further
17	questions.
18	MR. URIARTE: Yeah, let me just follow up with
19	what you just said.
20	FURTHER EXAMINATION BY MR. URIARTE
21	MR. URIARTE: Q. Mr. Vargas, you said there was
22	nothing on Andrew Dodge, right? One, two, three, four,
23	five items there. You never heard anybody complaining
24	about harassing him, you never heard that he was not

giving breaks, you never heard that he was not running

1	Q. And when you say you do not recall, does that
2	mean it could have happened or does that mean you
3	didn't do it?
4	A. It means that I don't have anything documented
5	that's important, and I don't recall having a
6	conversation.
7	Q. Okay. What about with Tracy or with HR? Do
8	you recall talking to them about all these different
9	items?
10	A. We had a conversation, as I said, in terms of
11	the investigation and in terms of what the letter
12	letter said about Andrew, as I explained it before, and
13	nothing else on that.
14	MR. URIARTE: Okay. All right. Thank you.
15	THE WITNESS: Thank you.
16	MR. URIARTE: Thank you, Mr. Vargas.
17	MR. WU: Thank you very much for your time, Raul.
18	We appreciate it.
19	THE WITNESS: Thank you very much.
20	MR. URIARTE: We'll stop the record.
21	(Whereupon, the concluded at 11:15
22	o'clock a.m.)
23	00
24	
25	

STATE OF CALIFORNIA 1 COUNTY OF SAN FRANCISCO) 2 I, CINDY TUGAW, a Certified Shorthand Reporter 3 of the State of California, duly authorized to 4 administer oaths pursuant to Section 8211 of the 5 California Code of Civil Procedure, do hereby certify 6 that 7 RAUL VARGAS, 8 the witness in the foregoing deposition, was by me duly 9 sworn to testify the truth, the whole truth and nothing 10 but the truth in the within-entitled cause; that said 11 testimony of said witness was reported by me, a 12 disinterested person, and was thereafter transcribed 13 under my direction into typewriting and is a true and 14 correct transcription of said proceedings. 15 I further certify that I am not of counsel or 16 attorney for either or any of the parties in the 17 foregoing deposition and caption named, nor in any way 18 interested in the outcome of the cause named in said 19 caption. 20 Dated the 10th day of September, 2020. 21 22 23 24 CINDY TUGAW

>

25

CSR No. 4805 (California)

```
Raul Vargas
 1
      c/o Foley & Lardner
      555 California Street, Suite 1700
 2
      San Francisco, CA 94104
     Attn:
             Jason Y. Wu, Esq.
 3
     Date:
             September 10, 2020
 4
          Navarro vs. Menzies
     Re:
                        Tuesday, August 25, 2020
 5
     Deposition Date:
 6
     Dear Mr. Vargas,
              Please be advised the original transcript of
 7
     your deposition is ready for your review.
              Pursuant to FRCP Rule 30(e), you have 30 days
 8
      following the date of this notice to read, correct if
     necessary, and sign your transcript unless the
 9
      attending parties and the deponent agree on the record
      or otherwise in writing to a longer or shorter time
10
     period.
               The deponent may change the form or the
      substance of the answer to a question, and may either
11
      approve the transcript of the deposition by signing it,
      or refuse to approve the transcript by not signing it.
12
      You are not required by law to read and sign your
      deposition transcript. All parties will be informed of
13
      the corrections. The original transcript will then be
      sealed and sent to the examining attorney pursuant to
14
      the applicable law.
              You may either come to our office to read and
15
      sign the original transcript, or you may contact your
16
      attorney or the attorney who arranged for you to be
     present at your deposition. If they have ordered a
      copy of the transcript, you may review their copy and
17
     make corrections by submitting, signing and returning
      the attached form. If you choose to review your
18
      transcript at our office, please call first to make an
      appointment.
                    Should you have any question regarding
19
      these instructions, please call.
20
      Sincerely,
21
22
     NOGARA REPORTING SERVICE
      5 Third Street, Suite 415
23
      San Francisco, California 94103
      (415) 398-1889
24
          All counsel, original deposition
25
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 221 of 312

EXHIBIT 17

Case 3:19-cv-0815F-VCSITION OF ANDREW DODGE 15 07/28/2020 INDEX 1 Page Number 2 EXAMINATION BY MR. URIARTE 4 3 ---000---4 EXHIBITS 5 Plaintiff's 6 7 Exhibit 3 Copy of two photographs 26 Exhibit 5 Statement by Andrew Dodge 42 8 dated 8-16-18 9 Exhibit 8 Petition from Menzies 33 fuelers to Menzies 10 Management 11 40 Exhibit 10 Statement by Rafael Vasquez dated 11/18/18 12 ---000---13 14 15 16 17 18 19 20 21 22 23 24 25

1	BE IT REMEMBERED that, pursuant to Notice of
2	Taking Deposition and on Tuesday, the 28th day of July,
3	2020, commencing at the hour of 9:00 o'clock a.m.
4	thereof, via Zoom videoconference, before me, CINDY
5	TUGAW, a Certified Shorthand Reporter in the State of
6	California, personally appeared,
7	ANDREW DODGE,
8	Called as a witness by the Plaintiff, having been by me
9	first duly sworn, was examined and testified as
10	hereinafter set forth.
11	00
12	APPEARANCES OF COUNSEL
13	For the Plaintiff LIBERATION LAW GROUP, P.C.
14	2760 Mission Street San Francisco, California 94110
15	BY: ARLO GARCIA URIARTE, Attorney at Law (415) 695-1000
16	(113) 053 1000
17	For the Defendants FOLEY & LARDNER, LLP
18	555 California Street, Suite 1700 San Francisco, California 94104
19	BY: JASON Y. WU, Attorney at Law (415) 984-9848
20	Also Present: David Ho, Zoom Host.
21	00o
22	
23	
24	
25	

1	ZOOM HOST: Good morning. I am David Ho and I
2	will be the Zoom host. I am going to be as soon as
3	the deposition gets going, I'll be off screen and I'll
4	mute myself. The only time you will hear my voice if
5	there are any exhibits that you need to bring up. And
6	so, Cindy, take it away.
7	THE REPORTER: At this time, I will ask counsel to
8	stipulate on the record that there is no objection to
9	this deposition officer administering a binding oath to
10	the witness via Zoom, starting with the noticing
11	attorney.
12	MR. URIARTE: No objection.
13	MR. WU: No objections for defendant Menzies
14	Aviation.
15	(Whereupon, the Witness was duly sworn by the
16	Reporter.)
17	EXAMINATION BY MR. URIARTE
18	MR. URIARTE: Q. Good morning, Mr. Dodge. My
19	name is Arlo Uriarte. I am attorney for Renaldo
20	Navarro in this matter of Mr. Navarro against Menzies.
21	Are you aware of that?
22	A. Yes.
23	Q. Okay. Would you please state and then spell
24	your full name for the record, please.
25	A. Yeah. Andrew Dodge, A-n-d-r-e-w, and then

D-o-d-g-e. 1 Q. Okay. And, Mr. Dodge, what's your current 2 position with Menzies? 3 I am a supervisor here at Menzies. 4 A. Have you had your deposition taken before? 5 Q. Α. Yes. 6 And in what context? 7 Q. Can you, like, rephrase the question? 8 Yeah. Why was your deposition -- why did you Q. 9 provide a deposition? 10 I had an incident on the -- on the airport. 11 Okay. So it was your case or was it somebody 12 Q. else's case? 13 Α. It was somebody else's versus Menzies. 14 Q. Gotcha. And do you remember the name of that 15 16 person? The first name. It was a police officer named 17 Robert. 18 Okay. So it was a police officer who filed a 19 lawsuit against Menzies, and you were a witness? 20 MR. WU: I'm just going to object, relevance, to 21 this line of questioning. 22 But you can answer. 23 THE WITNESS: It was something against Menzies 24 Aviation because I was a part of it. 25

Q. So that's still ASIG.

Q. In August of 2018.

- A. I was -- I was doing swing shift and -- which would start -- swing shift. It would probably start around, what, 2:00 or 3:00 in the afternoon until about 11:00 p.m. at night. And then I would also cover graveyard at the time, which started around 11:00 p.m. to about 7:00 a.m., if someone called off work. I also covered people's call sicks as well.
 - Q. Gotcha. Okay. So if you had your regular shift, which was the swing shift, of 2:00 to 3:00 until 11:00 p.m., you sometimes overlapped with the beginning of Renaldo Navarro's shift, is that correct, graveyard?
 - A. So I would see -- I would see Ray and give him an update on the shift on what's going on and what needs to be done, who's here, who called out. And sometimes you go a little past that because operation can be a little bit busy, but we never overlapped by no more than 30 minutes or 20 minutes.
 - Q. So it would be kind of like a handoff?
 - A. Yeah. It's always a handoff to the next supervisor. You give them the cell phone and just talk about what happened on the operation, and stuff that needs to be done, or flights that come in, or flights that were delayed, or anything about what's going on with the fuelers, or anything about the equipment, you

know, stuff like that.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

- Q. Gotcha. And then, aside from yourself, so you have Andrew Dodge, you have Renaldo Navarro, a supervisor. Who else were supervisors at that time, in August of 2018?
- A. Just a quick question. When you mean supervisors, are you talking about supervisors as, like, in general all the supervisors, or are you talking about supervisors that I just worked with on my side of the airport?
- Q. No, I'm talking about the same level as you, so, like, fueling --
- A. So on my operation on my side of the airport, it was me, Ray Navarro, July -- I can't pronounce his last name. July, Edsel and Tevita.
 - Q. What was the last one? I'm sorry.
- 17 A. Tevita.
- 18 Q. How do you spell that?
- 19 | A. T-e-v-i-t-a.
- Q. Okay. And when you say your side, is that the 103? Is what you guys called it?
- A. The one at the time, yes, it was is 130 side.

 The 1-3-0 side.
- 24 Q. I mean 130.
- 25 A. Yes.

Case 3:19-cv-0815F-VSITION OF ANDREW_PODGE/15/07/28/2020 Why don't you give me -- have your duties -have your duties as a supervisor changed from August 2018 to today? Α. Well, up until the Corona virus in March it was the same, but now I just got back from furlough, so I'm kind of just doing training as of right now, going back. Yeah, I mean, I think everybody is Gotcha. hoping that things kind of go back to normal hopefully soon, but it doesn't look that way. Okay. So let's just talk about your duties. And I really want to focus on your duties and responsibilities with regards to August of 2018 as a supervisor.

> Α. Yeah.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

- Can you tell me what you remember to be your duties and responsibilities.
- A. So as a supervisor at the time -- at the time was to -- when you first come in, was to get the other supervisor's information: Get the cell phone, find out who's on the operation, who called out sick. After that it was to schedule the flights.

So I would set up -- find out what flight are coming in during my shift, what time the plane was coming in, what time the plane was leaving, and from

there put fuelers on a schedule for, hey, you're going to go from this flight to this flight.

And also, after that, it was to drive on the airport and just monitor the fuelers, if they needed help with something, or also monitor their safety. So making sure they're wearing their uniform. Making sure they're wearing their vest, earplugs, had their boots on. Make sure -- just come and check on them and make sure their equipment is running properly.

And also, if they call me, I would go assist them, or, you know -- and also just change things throughout the operation. Maybe the guy might call me and be, hey, my flight never showed up, and then I might just change their flights around.

- Q. Right. Were you also in charge of providing breaks for people, like when they can go on --
- A. Oh, yes, of course. So you would -- when you schedule flights, you would -- before their fifth hour, California law, you try to find a break period for 30 minutes. There were days that sometimes the way the flights came in, you know, the guys would be fueling and would go over that because they're still on the aircraft. You can't just leave the aircraft. They would have to take their break after they were done fueling the aircraft.

Right. So the fuelers under your supervision, 1 Q. they depended on you for when they can take their 2 3 breaks? Yes. They would take -- some of the guys 4 were, Hey, I need to take a break, or asking ahead of 5 time, Hey, what time am I taking my break? So 6 everything would be coordinated depending on what's 7 going on on the operation at the time. 8 And then, like you said, there are times where 9 the fuelers would depend on you to help out with a 10 11 particular situation. So you become kind of like an extra hand as well? 12 Say that again. Like, what do you mean? 13 Sorry. 14 Like if they're busy or they're shorthanded, 15 you could come in also to help them? 16 Yeah, if there was something going on in the 17 operation, I would report to my duty manager, know 18 what's going on, let him know, Hey, we're short. Can I 19 get some assistance from your side? And if we didn't 20 have the manpower, I would help on a flight and hook up 21 and help, you know. 22 Exactly. Okay. And then, during the swing 23 0. shift, how many fuelers did you normally supervise? 24 A. On a busy day, on a really busy day, I have 25

- between maybe eight to ten guys on a really busy day, 1 with full staff. 2 Q. Gotcha. And then if it's slow or not too 3 busy --4 There's some nonbusy days. Probably --5 Α. MR. WU: Andrew, make sure you hear Arlo's entire 6 7 question before you start. THE WITNESS: 8 Sorry. MR. URIARTE: Q. Yeah, because, Andrew, sometimes 9 it gets hard for the court reporter, for Cindy, to 10 actually kind of write down what we're saying if we're 11 talking on top of each other. So let's give each 12 other -- let's try give each other like a pause in 13 between. 14 Α. Okay. 15 Thank you. So you said -- we were talking 16 Q. about, like, maybe on a slow or a normal day, how many 17 people would you supervise? 18 About maybe five or six guys. 19 Okay. In August of 2018, did you have some 20 sort of accommodation or medical condition that where 21 you actually asked the employer for an accommodation in 22 the workplace? 23
 - A. I had given Renil Lal a doctor's note at the time, like in 2017, from my doctor, having sleep apnea.

- Q. And did you and the company or Renil kind of go through how to deal with the condition, the medical condition, with regards to your job and, you know, what type of -- was there any type of accommodation worked out?

 A. I don't recall any conversation with Renil. I
- A. I don't recall any conversation with Renil. I just don't remember the conversations we had in the past.
 - Q. Okay.

- A. I don't remember.
- Q. Did you have some sort of official or in place disability accommodation that kind of changed your normal workday that the company had to accommodate?

 Was something like that in place?
- A. Well, they tried, like I said -- I mean, how you say, like it was -- I remember trying to stay doing things, stay -- like stay on top of doing things, try not to just, you know, sit in one place. Just move around.
- Q. Right. I guess I'm asking more from like a formal perspective. Usually different companies deal with this in different ways, but usually, when an employee goes to an employer and says, hey, I have this medical condition that affects my workday, usually something is worked out, and then some things written

what was in place, whether there was something --1 Α. Yes. 2 Q. -- in writing, or was it more informal, and 3 you just told them the condition and nothing else. 4 Well, like, even with a piece of paper from 5 Α. the doctor stating, because, like I said, in the past 6 people were saying, like, I was just sleeping, but I 7 provided a doctor's note showing what I had. I didn't, 8 you know -- I didn't know about it either until I had 9 to go see the doctor, and that's when I provided them 10 with a note what I had because I had to go to sleep 11 tests and all that, and they finally diagnosed me with 12 that. And I had to show proof why it was happening, 13 you know. 14 Okay. So then who did you actually give that 0. 15 doctor's note to? 16 A. Renil. 17 Q. To Renil. And then did Renil talk to you 18 about it? 19 I don't remember the -- we sat down. I just 20 don't remember the conversation. 21 Okay. Did you guys work something out? Q. 22 there some sort of game plan or --23 I don't remember, to be honest. 24 Q. Okay. 25

identification.) 1 MR. URIARTE: Q. Mr. Dodge, do you know if 2 clicking on the Chat box -- there you go. We have a 3 screen share. Do you see it? 4 5 Α. Yes. Great. So when we were talking about 6 0. sleeping, I guess these pictures were taken of you. 7 you're saying that when you were falling asleep in the 8 office or in the vehicle like that, that was part of 9 your sleep apnea condition? 10 MR. WU: Objection. 11 THE WITNESS: Yeah. 12 MR. WU: Objection. Assumes facts not in evidence 13 that these are photos of him. 14 MR. URIARTE: So, Mr. Dodge, just let your 15 attorney finish his objection, and then you can answer 16 after if you understand the question. 17 THE WITNESS: Sorry. Can you repeat the question 18 one more time? 19 Sorry. MR. URIARTE: Q. Yes. So in these photographs, 20 that's you, right, in the photograph? 21 A. Yeah, that's me, yes. 22 Q. And are you saying that when you fall asleep 23 like this, that you -- that these events right here 24 were part of your sleep apnea condition? 25

A. I can tell you that in the photo, the one with 1 the truck, yes. The one in the office, that was at the 2 end -- I was done with my shift already. 3 Q. Gotcha. And do you remember if the one in the 4 office was after a graveyard shift? Is that what that 5 was? 6 I can't remember the dates. It's in the 7 office. I don't remember. But I remember this -- I 8 remember this photo. 9 Q. Gotcha. So you're saying the one in the 10 11 office you were already done with your shift, and you went to the office to just nod off, is that correct? 12 A. I was done. I had transferred all my 13 information. I went to the office and, yeah, fell 14 asleep. 15 Q. And then the vehicle, is this -- the vehicle 16 is a vehicle located in the tarmac? Is that where it 17 is? 18 It's black and white, so I can't -- yeah. 19 Okay. But you remember that the vehicle --20 when you were sleeping in the vehicle in this 21 photograph, that was because of sleep apnea, is that 22 correct? 23 Yeah, yes. Α. 24 Q. Okay. So we're done with Exhibit 3. 25

Can you tell me, by August of 2018, how long 1 you had been working with Renaldo Navarro at that time? 2 A. Good question. Do you mean like how long had 3 I been working with him as a co-worker, as like a --4 how do you say -- as a -- supervisors together or as, 5 in general, a fueler and a supervisor? 6 Yes. In general. 7 Since I began working for ASIG in 2016, I was 8 his night fueler. So I began working with him as a 9 night fueler, and then once I got promoted, I became a 10 11 swing supervisor, so I would transfer my information to him. 12 And then while -- our schedules changed, and 13 then I would cover the days he was off as a swing -- I 14 mean, as a graveyard. And then there -- if someone 15 called off, and I would see him from the night shift or 16 into the morning shift, or I would cover his sick day. 17 So, yeah, I worked with him a lot. 18 Q. Gotcha. And what was your general opinion 19 with regards to Ray Navarro and how he did his job? 20 A. Oh, Ray's a great supervisor. There's no 21 questions asked. He was there for a long time, and, 22 you know, he's -- he did his job. 23 Q. And you and Ray -- at some point you and Ray 24 started to have, like, difference of opinion with 25

- you. Him saying I shouldn't be a supervisor. Stuff like that.
- Q. Yeah. And when you say scheduling, you're talking about how you're scheduling the fuelers with regards to their workday and them being able to take breaks? Is that what it is?
- A. Yeah, scheduling meaning how I schedule my flights to my crew.
- Q. And then breaks, what were the complaints about breaks?
- A. He was saying that I was giving the breaks late or not giving their breaks at all. Stuff like that.
- Q. Did you ever inquire, you or Renil, with regard to, like, where he was getting his information? Because he wasn't working with you, so how did he know about the breaks and the scheduling and all of that?
- A. Renil would -- Renil would investigate, find out what was going on from fuelers and ask what was going on. And, if anything, Renil -- if anything was questioned, Renil would ask me. But the main question, Renil would ask me if I am giving the fuelers breaks. He never said fuelers are complaining. It would be more like, Andrew, what did you -- can I see what you did, or can I see your text messages, stuff like that,

1	to see what I was doing. But he never said, hey,
2	Andrew, so and so said they didn't get their break.
3	You know what I mean?
4	Q. Okay. And did Renil ever suggest to you a
5	better what way of doing things? Was there anything
6	like that?
7	A. No, because no, because Renil knew how the
8	operation was as well. Him being a general manager,
9	he's been in that position knowing how the schedules
10	work as well. He sees that.
11	Q. Okay. And Renil thought that you were
12	providing the breaks properly?
13	A. Yeah.
14	MR. URIARTE: Okay. Let me show you Exhibit 8.
15	VIDEO OPERATOR: Okay. I will bring that up
16	shortly.
17	MR. URIARTE: Okay.
18	(Plaintiff's Exhibit 8 marked for
19	identification.)
20	MR. URIARTE: Are you doing a screen share on
21	that, David?
22	THE WITNESS: I see it now.
23	MR. URIARTE: Great. Okay. Do you know what
24	Exhibit 8 is? I'll give you some time to take a look
25	at that. Do you see that at all?

depends on how long you're waiting for that fuel to be done, you're waiting for that mechanic to be done. And then, you know, we always serve out a break. You know what I mean? They'd get their breaks.

- Q. Right. But sometimes they'd just be --
- A. It just depends on how the flights are coming in and stuff like that, you know. That's how -- how we ran it, you know, and that's how I was trained as well. You just -- and also, like I said, sometimes you're short manpower and sometimes you fuel longer a little bit and then get your break. It just depends, like I said, on the schedule.
- Q. I see. What about this item here with regards to "Andrew Dodge lack of experience about fueling"?
 What do you think about that?
- A. To be honest, that's just -- I don't know -- I don't know what word he used for that, but I became a supervisor because I know what I was doing. I was trained on everything. I was actually -- at the time, before Menzies bought us, I was considered a Class A fueler, which is one of the top fuelers. Like, having that title is really high, meaning I know how to do everything, from fueling, defueling, driving every piece of equipment on the thing, knowing how to fix equipment. It's just the knowledge of fueling in

general, safety. I was, like, one of the top people. 1 Q. Okay. Aside from this petition, did you have 2 fuelers go up to you and complain to you about their 3 4 breaks, like maybe they're late, maybe they're short, or anything like that? 5 Was that something that was happening in or 6 around August of 2018? 7 I actually had people asking me, Hey, when am 8 I going to get my break? And, you know, they'll come 9 up to me, ask me what's going on, or can I see what 10 11 you're planning, and I always talk to my fuelers. That's the main thing about the job, is communication, 12 communication, talking and finding out, you know, 13 plans, planning things out. 14 Q. So why do you think these fuelers, you know, 15 all 26 of them, signed a petition against you? Why 16 would that happen? 17 Honestly, I don't know -- actually, a lot of 18 these names on here that I see people call me saying 19 that, you know, they were forced to sign a petition. 20 And they would tell me, Hey, I didn't want to sign it, 21 you know, but they were forced to sign it, or they 22 didn't read it, or stuff like that. 23 Q. I see. And they were forced to sign the 24 petition. Like, do you know by whom and why they were 25

```
forced to sign the petition?
 1
          A. A lot of the guys -- a lot of the guys on the
 2
      list would call me and say Ray was telling them to sign
 3
      the paper to try to get me terminated or -- how do you
 4
      say -- demoted from being a supervisor.
 5
               Gotcha. And then do you know who Rafael
 6
           0.
      Vasquez is?
 7
           Α.
               Yeah. At the time, he was one -- a fueler and
 8
      a union representative.
 9
               Okay. Did you know that it was actually
10
      Rafael Vasquez who put together the petition?
11
           MR. WU: Objection. Assumes facts not in
12
      evidence.
13
           MR. URIARTE: Q. Did you know that, Mr. Dodge?
14
               No, I did not.
15
          MR. URIARTE: Let's go ahead and put up Exhibit
16
      10.
17
               (Plaintiff's Exhibit 10 marked for
18
               identification.)
19
          MR. URIARTE: O. So here we go. So this one will
20
     be Exhibit 10. And as you see, it's signed by Rafael
21
     Vasquez. I think there's a date in the bottom there of
22
     November 18, 2018, when he signed this statement.
23
               So did you have problems with Rafael Vasquez
24
25
     at all in or around August or November of 2018? Were
```

you having problems with him, Mr. Dodge? 1 Rafael didn't work with me on my side of the 2 airport. 3 Q. Oh, I see. I see. So he's on another side of 4 the airport? 5 A. Yes. 6 Gotcha. Okay. So it looks like, from this 7 statement that he signed, that says that he was asked 8 by Menzies Aviation fuelers to write a petition on 9 behalf of the fuelers on the 130 side. 10 Did you know that they -- that these fuelers 11 submitted two petitions? Did you know that? 12 No, I did not. 13 Α. Okay. So, based on your responses, is it fair 14 to say that nobody from Menzies Aviation ever sat you 15 down to discuss one or two petitions that were written 16 out against you at that time while it was happening? 17 No. I'm the one that brought it up to Renil, 18 saying that there was a petition going around, because 19 one of the fuelers had called me about it. 20 So you knew that a petition was going around, 21 Q. but nobody from Menzies Aviation management ever kind 22 of, like, sat down with you or talked to you about it, 23 Is that correct? right? 24 No, I don't -- I never, no. 25

And you found out that there was a petition 1 Q. going around against you, but you never read the actual 2 petition. Is that how it was? 3 Yeah, I never got to see it, no. 4 And you're saying that the first time you saw 5 Q. it was actually a part of this litigation. Is that 6 what you're saying? 7 Yes. 8 Α. MR. URIARTE: Let's put up Exhibit 5, please. 9 VIDEO OPERATOR: Okay. Coming up shortly. 10 MR. URIARTE: Thank you. 11 (Plaintiff's Exhibit 5 marked for 12 identification.) 13 MR. URIARTE: It's not a very good copy, so I 14 guess Exhibit 5, Mr. Dodge, if we can just make it 15 smaller so he sees the whole thing. There you go. 16 A. Yeah. 17 Is this the letter that you wrote after you 18 found out that a petition was being turned in against 19 you? 20 A. I can't read what I wrote, but I think this is 21 the one I wrote after I found out there was a petition. 22 One of the fuelers called me. 23 Q. Correct. Correct. If you go to the bottom of 24 it, I think this is your signature, right? 25

A. It wasn't a meeting. It was more like a --1 like you walk in, let them know, hey, this is what's 2 going on on the operation. Like, here's -- like this 3 4 is what people are telling me. 5 Q. Okay. And they tell you, hey, just write statement 6 down and --7 Q. Okay. Okay. So it started with a fueler 8 calling you and saying, Hey, there's a petition going 9 around against you. Is that how it started? 10 11 A. Yes. Q. Okay. And then, with that information, you 12 then go to Renil or Raul. We don't know, right? Renil 13 or Raul or both of them? 14 A. Yeah, it was either/or. Yeah, it was 15 either/or. 16 Q. So you went to either one of them to tell them 17 that? What exactly did you tell them? 18 A. "Oh, hey, I got a phone call from a couple of 19 fuelers on my personal cell at home saying that 20 they" -- "there was a petition going around against me 21 that they didn't want to sign, but they felt forced to 22 sign it." 23 And then when I told them that -- I don't 24 remember if it was Renil or Raul -- they just told me 25

to write a statement down and to turn it in to them and 1 that they would look into it. 2 Q. All right. And then when you say -- how much 3 help did you get from Renil or Raul with regards to 4 writing the statement? Like, did you guys --5 A. I don't know what -- like, from there on, I 6 don't know what they -- how they did their 7 investigation or anything like that. So I just went on 8 and kept doing my job. 9 Q. I see. But with regards to writing the 10 11 statement, are these words totally yours? Like, you sat there and started --12 A. Yeah, I went to a different office and wrote 13 this statement. 14 I see. I see. Okay. And then you turned it 15 16 in? A. Yes. 17 Would it be not accurate to say that they 18 helped you with the words that are in this statement? 19 Those are all me. No, they didn't help me 20 with wording at all. 21 All right. But when they said -- when they 22 told you to write this statement, did they tell you 23 what to write about? 24 No. They just said write -- like, write 25

```
what's going on, like, why -- you know, what you heard.
 1
      Stuff like that.
 2
          MR. URIARTE: All right. So we're done with
 3
      Exhibit 8. I need like a five-minute break. Let's see
 4
      where we are. Let's take a five-minute break. Off the
 5
      record.
 6
           MR. WU: That's fine. Thank you.
 7
               (Brief recess.)
 8
           MR. URIARTE: Let's go back on the record. We
 9
      don't have much more, but let me go through a couple
10
      more here.
11
          Q. Mr. Dodge, you said that a fueler had called
12
      you that a petition was going around. Do you remember
13
      who that fueler was?
14
          A. Yeah, Mario Caballero -- Caballero. Mario
15
      Caballero.
16
           Q. And you said that he felt like he was forced
17
      to sign the petition or he didn't understand the
18
      petition. Is that what he said?
19
          A. When I -- when I received a phone call from
20
      him, his first words, "Hey, Andrew, just want to let
21
      you know there's a petition going around. I didn't
22
      want to sign it, but he made me sign it. I'm just
23
      letting you know. I don't want to get into trouble or
24
      anything."
25
```

And then -- and I said -- told him thank you, 1 and I would -- I said, "Thank you, and I will," you 2 know, "talk to management." 3 Q. Okay. And when you say "he made me sign it," 4 who's "he"? 5 He mentioned Ray Navarro. 6 Okay. And, then, let's go back to Exhibit 10, 7 Q. please. 8 VIDEO OPERATOR: Hold on. I'll bring it up. 9 MR. URIARTE: Thank you. 10 THE WITNESS: Okay. 11 MR. URIARTE: Q. So I wanted to discuss something 12 here. It says, "There have been two separate Petitions 13 turned into Menzies Aviation Fueling Department 14 Director Raul Vargas." Do you see that? 15 Α. 16 Yes. Okay. Did Raul Vargas ever talk to you about 17 these two petitions? 18 Sorry, can you repeat that one more time. 19 broke up. 20 Sure. Did Raul Vargas ever talk to you about Q. 21 two petitions being signed against you? 22 No, he did not. Α. 23 Did Raul Vargas ever talk to you about how you 24 give your breaks, and fuelers complaining against you, 25

or anything like that?

- A. No, he did not.
- Q. Did anybody from Menzies, you know, from John Qually, the duty mangers, or Renil Lal at that time, did any one of them kind of, like, talk to you about maybe, you know, you giving your breaks better or having some sort of plan of action?
- A. Like I said before, Renil and I spoke, but he just wanted -- he reviews my schedules. I used to turn in -- we'd turn, like, you know, a shift report in every night.
 - Q. Okay.
- A. And, also, I would turn in my schedules to him so he would see everything written down, so -- from what I did. So, basically, for example, with let's say fueler A, I'd write down his flights, and in the middle I'll put a "B," stands for break, and what else he did. You know what I mean? And then I also -- he could research the times, you know, because -- with the phone app or online.
- Q. Okay. And you went through -- you went through meetings with Renil Lal about that in around August of 2018?
- A. I -- I don't remember the time or date, any of that.

Q. Did Mr. Lal ever tell you that he was doing 1 that as part of, you know, investigating these 2 3 petitions against you? No. He one time mentioned that Ray was 4 complaining, so he just wanted to see what I did 5 compared -- you know, compared to other supervisors and 6 how they were doing their schedules. 7 And -- okay. And out of those 0. I see. 8 meetings, was any kind of -- was there any 9 recommendation given to you as to, like, do your job 10 better, or was there any comment or anything like that? 11 I don't recall what he said to me at all. 12 Did you have to change the way you were doing 13 things in order to give your breaks better or something 14 like that? 15 No. Up until March, I was doing the same way. 16 Α. And you're saying up until March of 2020? 17 0. Yeah, until I got furloughed, yes. 18 Okay. Also in Exhibit 10, it says, "I have 19 spoken to The Menzies Aviation Fueling Director Raul 20 Vargas on three separate occasions regarding Mr. Dodge, 21 who continues to abuse his authority and at times 22 harass Fuelers under his charge." 23 Do you see that? 24

25

Yes, I do see that. Yeah. Α.

What do you think -- what's your opinion on 1 Q. that with regard to Rafael Vargas stating that you 2 continue to abuse your authority? 3 Do you know anything about that? 4 I mean --Α. 5 MR. WU: Objection. Assumes facts not in 6 evidence. 7 But you can answer. 8 MR. URIARTE: Q. Mr. Dodge? 9 Sorry. Okay. I -- I mean, from when I see Α. 10 that, I can tell you that's just not true. I mean, 11 I've never harassed any of my employees or any of that 12 type of circumstance. 13 I see. When you say -- when it says "abuse 14 his authority," like how would you be able to abuse 15 your authority during your shifts? 16 Honestly, I don't know how I could abuse my 17 authority to this current day. I'm still a supervisor 18 here --19 0. I see. 20 -- with the same employees. Α. 21 I'm sorry. What was that? Q. 22 I said I'm still a supervisor here with the Α. 23 24 same employees. Q. Okay. And have any fuelers gotten a complaint 25

against you that you were harassing them? 1 A. No. 2 Have any of the fuelers ever come up to you 3 4 and said, hey, Andrew, you know, you're doing this wrong, or, you know, complained to you about not giving 5 their breaks, or them working too hard because you're 6 not doing your job? Anything along those lines? 7 A. I've had fuelers just come up to me and try 8 to, like, give suggestions on how they want to -- how 9 they see things -- on how they see things, but, you 10 11 know -- and then I have to explain to them what's going on, and I'd show them, and they would understand. 12 That's about it. 13 But I've never had -- I've had someone coming 14 up to me asking when they would get their break, and I 15 would explain to them as well, you know, the situation, 16 and they would understand. 17 I see. All right. Can we go back to Exhibit 18 5, please. Okay. I know it's hard to read, but I was 19 going to start with -- well, that first sentence kind 20 of ends with "the company don't need me, that I'm a bad 21 supervisor, and all I do is cause delays." 22 What do you mean by that, "all I do is cause 23 delays"? 24 MR. WU: Objection. Objection. Assumes facts not 25

Oh, okay. So he told Ray not to come early 1 Q. anymore. Do you see that? 2 Α. Okay, yeah. That's a -- yeah, yeah. 3 So that would be Jeff Cook or --0. 4 No, that's Jeff -- I don't remember his last 5 name. I can get his last name for you, but I just 6 don't remember his last name. 7 And that Jeff -- that Jeff, you said, works 8 for Menzies in Seattle International? 9 Α. Yeah, that's his main station, yes. 10 0. I see. So how come he would get involved in 11 telling Ray not to come in early? 12 So the reason -- we were going through a 13 transition, you know, from ASIG to Menzies. At the 14 time, Renil was the acting general manager. Raul 15 Vargas was the director -- new director we had, so they 16 were getting things together. So Jeff would come down 17 and help our station. 18 MR. URIARTE: Gotcha. Okay. I have no further 19 questions. 20 MR. WU: No questions on my end either. 21 MR. URIARTE: Okay. Thank you, Mr. Dodge. Thank 22 you for your time today. Thank you for providing this 23 deposition. 24

25 THE WITNESS: You're welcome.

STATE OF CALIFORNIA 1 COUNTY OF SAN FRANCISCO) 2 I, CINDY TUGAW, a Certified Shorthand Reporter 3 of the State of California, duly authorized to 4 administer oaths pursuant to Section 8211 of the 5 California Code of Civil Procedure, do hereby certify 6 that 7 ANDREW DODGE, 8 the witness in the foregoing deposition, was by me duly 9 sworn to testify the truth, the whole truth and nothing 10 but the truth in the within-entitled cause; that said 11 testimony of said witness was reported by me, a 12 disinterested person, and was thereafter transcribed 13 under my direction into typewriting and is a true and 14 correct transcription of said proceedings. 15 I further certify that I am not of counsel or 16 attorney for either or any of the parties in the 17 foregoing deposition and caption named, nor in any way 18 interested in the outcome of the cause named in said 19 caption. 20 Dated the 7th day of August, 2020. 21 22 23 24

> CINDY TUGAW CSR No. 4805 (California)

```
Andrew Dodge
 1
      c/o Foley & Lardner
      555 California Street, Suite 1700
 2
      San Francisco, CA 94104
      Attn:
             Jason Y. Wu, Esq.
 3
     Date:
             August 7th, 2020
 4
          Navarro vs. Menzies Aviation
 5
     Deposition Date: Tuesday, July 28, 2020
     Dear Mr. Dodge,
 6
              Please be advised the original transcript of
 7
     your deposition is ready for your review.
              Pursuant to FRCP Rule 30(e), you have
 8
      30 days following the date of this notice to read,
      correct if necessary, and sign your transcript unless
 9
      the attending parties and the deponent agree on the
      record or otherwise in writing to a longer or shorter
10
      time period.
                    The deponent may change the form or the
      substance of the answer to a question, and may either
11
      approve the transcript of the deposition by signing it,
      or refuse to approve the transcript by not signing it.
12
      You are not required by law to read and sign your
      deposition transcript. All parties will be informed of
13
      the corrections. The original transcript will then be
      sealed and sent to the examining attorney pursuant to
14
      the applicable law.
              You may either come to our office to read and
15
      sign the original transcript, or you may contact your
16
      attorney or the attorney who arranged for you to be
     present at your deposition. If they have ordered a
      copy of the transcript, you may review their copy and
17
     make corrections by submitting, signing and returning
      the attached form. If you choose to review your
18
      transcript at our office, please call first to make an
      appointment.
                    Should you have any question regarding
19
      these instructions, please call.
20
      Sincerely,
21
22
     NOGARA REPORTING SERVICE
      5 Third Street, Suite 415
23
      San Francisco, California 94103
      (415) 398-1889
24
          All counsel, original deposition
25
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 261 of 312

EXHIBIT 18



Job Description, Fueling Supervisor (North America)

Department: Los Angeles-Fueling

Reports To: Manager

FLSA Status: Non-Exempt (Hourly)

Job Purpose Summary: Supervises and coordinates air carrier fueling and service operations.

Primary Accountabilities and Duties:

- Comfortably and continuously lift/move 70 lbs.
- Duties include, but are not limited to;
- Ensuring the effective operation of the air carrier fueling function;
- Issuing written and oral instructions;
- Ensuring workforce adherence to safety procedures;
- Conduct investigations of irregular operations, such as accidents, injuries and/or delay, and prepare comprehensive reports on same;
- · Recommending manpower requirements;
- Maintaining harmony among workers and resolving grievances;
- Performing or assisting subordinates in performing duties;
- Ensuring disciplinary procedures are conducted in accordance with e in a fair, timely, and consistent manner;
- Uphold the company's commitment to Equal Employment Opportunity; Carrying out supervisory responsibilities in accordance with the organization's policies and applicable laws;
- Ability to comply with attendance/tardiness standards.

Essential Skills and Qualifications:

- Must be at least 18 years of age.
- 1 year certificate from a college or technical school 6 months to 1 year job related experience preferred
- Valid Driver's License Possess/Maintain a valid Driver's License and other government agency required identification/seals or authorizations
- Must be able to speak, read, and write in English
- Ability to perform basic math calculations
- Must pass pre-employment drug test
- Must be available and flexible to work variable shifts including weekends and holidays Work is done indoors and outdoors.
- Must be comfortable working in all weather conditions with exposure to loud noises
- Able to routinely lift, push and pull up to 70 lbs.



Employee Acknowledgemen

I, that it is subject to change or amendment as deeme	, acknowledge review of this job description. I realized appropriate by Menzies Aviation.
I also understand that all job duties are not describerelated duties as directed by my supervisor and mar	ed above and that I will be expected to perform other nagement.
Signature:	Date:



Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 264 of 312

EXHIBIT 19



TABLE OF CONTENTS

1.1 Purposes Of This Handbook	4
1.2 Company Values	4
2.1 Employment-At-Will	5
2.2 Introductory Period	5
2.3 Employment Eligibility Verification	5
2.4 Equal Employment Opportunity	5
2.5 Zero Tolerance For Discrimination And Harassment	6
2.6 Reasonable Accommodation	8
2.7 Open Door Policy	8
2.8 Safety Policy	8
2.9 Security Policy	9
2.10 Use Of Electronic Devices	10
2.11 Training	10
2.12 Railway Labor Act Notice	11
3.1 Part-Time and Full-Time Employees	12
3.2 Exempt And Non-Exempt Employees	12
3.3 Working Hours and Days	12
3.4 Meal Periods	12
3.5 Rest Periods	13
3.6 Employee Rest	13
3.7 Overtime	14
3.8 Transfers and Promotions	14
3.9 Payroll Schedules	15
3.10 Employee Pay	15
3.11 Personnel Records	15
4.1 Code of Conduct	16
4.2 Progressive Discipline	17
4.3 Attendance	18
4.4 Alcohol and Drug Abuse	18
4.5 Uniform Attire & Appearance	20
4.6 Conflict of Interest	21
5.1 Health And Welfare Benefit Plan	22



5.2 Eligibility	22
5.3 Benefit Election Period	22
5.4 COBRA	23
5.5 Vacation, Sick Leave And Paid Time Off	23
5.6 Family and Medical Leave Act	23
5.7 Pregnancy Disability Leave	25
5.8 Bereavement Leave	26
5.9 Military Leave	26
5.10 Voting Time Off	26
5.11 Time Off For School Activities	26
5.12 Workers' Compensation	27
6.1 Internet Use	28
6.2 E-Mail Use	29
6.3 Voice Mail	29
6.4 Monitoring Of Email And Internet Usage	29
6.5 Use Of Company Property	29
6.6 Confidential Information Security	30
6.7 Non-Solicitation/Disclosure	31
6.8 Bulletin Board	31
6.9 Travel	31
6.10 Claiming Business Expenses	31
6.11 Personal Belongings	31
6.12 Media Communications	32
7.1 Resignation, Termination and Layoff	32
7.2 Exit Interview	32
7.3 Terminations	32
7.4 Layoff	32
7.5 Final Paycheck	32
7.6 Employment References	33

SECTION 1 - INTRODUCTION

1.1 Purposes Of This Handbook

This Employee Handbook is intended to explain some of the key terms and conditions of employment on a non-exempt basis with the Menzies Aviation family of companies, which includes Menzies Aviation, Aeroground, ASIG and Simplicity (USA). This version of the Employee Handbook supersedes all previously issued handbooks.

Every employee is expected to read this Employee Handbook carefully as it is a valuable reference for understanding your employment. The Company reserves the right to revise, modify, delete, and/or add to any and all policies, procedures, work rules, or benefits stated in this Employee Handbook or in any other document. No oral statements or representations can in any way alter the provisions of this Employee Handbook. This Employee Handbook is not a contract of employment.

Not all Company policies and procedures are set out in this Employee Handbook. We have summarized only some of the more important ones. Additionally, if your employment is subject to a different contract setting forth terms and conditions of employment, in the event of a conflict between that contract and the provisions of this Employee Handbook, the contract will govern. If you have any questions or concerns about this Employee Handbook or any other policy or procedure please ask your local Human Resources representative.

1.2 Company Values

Spirit is our way of doing business. It represents the core values that our employees must adhere to in doing their job. These values are:

Safety and Security

We take responsibility for the safety and security of ourselves, our customers, and our co-workers. **P**assion

We work hard and enjoy our job, we do it to the best of our ability, and we put the customer at the heart of everything we do.

Innovation

We encourage and reward ability and creativity, look for better ways to do our job, and have a "can do" attitude open to new ideas.

Reliability

We take pride in our work, we do it well, and we follow through on commitments to consistently deliver the best to our customers.

Integrity

We treat others with dignity and respect, we are trustworthy, and we act with high professional, moral, and ethical standards in supporting Company goals, values, and decision-making.

Teamwork

We participate and involve others in team efforts, we cooperate with others and share resources, we see things from the "other point" of view, and we take responsibility to fix mistakes so that they don't happen again.

Employee Handbook (California) | v1/Rev 1 | Page 4 of 33 © Menzies Aviation 2018

SECTION 2 – GENERAL EMPLOYMENT POLICIES

2.1 Employment-At-Will

Employment with the Company is at-will, meaning that either you or the Company can terminate your employment at any time, with or without cause or notice. This policy of at-will employment is the sole and entire agreement between you and Company as to the duration of employment and the circumstances under which employment can be terminated.

Nothing in this Employee Handbook or any other Company policy alters or modifies the at-will nature of your employment. This policy of at-will employment may not be modified orally or in writing by any individual or document other than by a written employment agreement signed by the Senior Vice President, Americas. The Company's policy of at-will employment further allows it in its sole discretion to modify or change any terms or conditions of employment, including, but not limited to, assigning duties to employees outside their customary assignments.

2.2 Introductory Period

The first 90 days of employment are considered an Introductory Period. During this period, your supervisor will work with you to help you perform your job successfully. This period provides you with the opportunity to evaluate your job satisfaction and provides the Company with the opportunity to evaluate your performance. Employees who complete the Introductory Period are not automatically entitled to a salary increase, transfer, promotion, job reclassification, or continued employment.

2.3 Employment Eligibility Verification

U.S. immigration law prohibits employers from recruiting, hiring, or continuing to employ undocumented immigrants who are not eligible to work in the United States. The Immigration Reform and Control Act (IRCA) establishes employment eligibility verification procedures that all employers must follow when filling a job vacancy. IRCA also prohibits employers from discriminating in recruitment, hiring, or discharge on the basis of national origin or citizenship status.

The U.S. Citizenship and Immigration Services within the Department of Homeland Security administers and enforces regulations implementing IRCA's requirement that employers verify employees' legal authorization to work. Under the regulations, employers must obtain from each new employee certification of identity and authorization to work in the United States. If you are not legally authorized to work in the United States or become unauthorized, you must inform Human Resources immediately.

2.4 Equal Employment Opportunity

The Company is an equal opportunity employer and makes employment decisions exclusively on the basis of merit. The Company prohibits unlawful discrimination based on race, color, creed, sex, religion, age, national origin or ancestry, citizenship, physical or mental disability, military or veteran status, marital status, medical condition, genetic information, sexual orientation, gender, gender expression or identity, or any other category protected by federal, state, or local law. All such discrimination is unlawful and all individuals employed by Menzies Aviation are prohibited



from engaging in this type of conduct. The Company further will make all employment decisions, including but not limited to, recruitment, hiring, promotion, retention, compensation, training, discipline and termination of employment decisions without regard to any characteristic protected by federal, state or local law.

2.5 Zero Tolerance For Discrimination And Harassment

Pursuant to its policy of equal employment opportunity, the Company is committed to compliance with all applicable laws providing equal employment opportunities and has therefore adopted a policy of zero tolerance with respect to workplace discrimination and harassment. This policy of zero tolerance for discrimination and harassment applies to all individuals at every level of the Company's operations and prohibits harassment or discrimination against any employee whether or not the incidents occur on Company premises and whether or not the incidents occur during working hours. Supervisors, co-workers and third-parties with whom Company employees encounter through their job duties are prohibited from engaging in unlawful behavior under both federal law and the California Fair Employment and Housing Act ("FEHA").

Sexual Harassment

The Company's policy of zero tolerance for discrimination and harassment includes a zero tolerance policy with respect to unlawful sexual harassment. Sexual harassment is a form of unlawful sex discrimination that occurs when an employee is subject to unwelcome sexual attention or conduct affecting the terms or conditions of employment. Sexual harassment includes sexually oriented conduct which is sufficiently pervasive or severe and that unreasonably interferes with an employee's job performance or creates an intimidating, hostile, or offensive working environment. Examples of unlawful sexual harassment include unwanted sexual attention from co-workers of a persistent or offensive nature, promises to an employee to reward an employee if he or she complies with a sexually-oriented request or a threat of adverse treatment for refusing a sexually-oriented request, engaging in sexually suggestive and unwelcome behavior in the workplace, such as touching another employee, making sexually explicit commentary, leering or ogling at another employee, commenting inappropriately on a coworker's physical appearance, displaying, storing, or transmitting pornographic or sexually oriented messages or materials in the workplace or using Company equipment or facilities to do so, making sexual or romantic advances toward an employee who has previously rejected such advances, and/or retaliating against an employee for reporting or threatening to report sexual harassment, or for participating in a Company investigation into an allegation of sexual harassment.

Other Types Of Unlawful Harassment

The Company's policy of zero tolerance for discrimination and harassment also includes a zero tolerance policy with respect to unlawful harassment on the basis of race, color, creed, sex, religion, age, national origin or ancestry, citizenship, physical or mental disability, veteran status, marital status, medical condition including genetic characteristics, sexual orientation, gender expression or identity, or any other category protected by federal, state, or local law. Such harassment may include behavior similar to unlawful sexual harassment, such as making threats or racially motivated slurs, epithets, derogatory jokes or commentary, displaying derogatory or offensive posters, photographs, cartoons or drawings, making offensive or racially-motivated gestures, and/or retaliation for reporting harassment or threatening to report harassment.

Employee Responsibilities

You <u>must</u> immediately report, preferably in writing, every instance of perceived discrimination or harassment to your supervisor or Human Resources, regardless of whether you or someone else is the subject of the discrimination or harassment. If you are not comfortable making such a report or complaint to anyone at your location, you <u>must</u> report your concerns to the Regional HR Director in the first instance. You should provide as much detail as possible in your complaint or report and include names, dates, descriptions, documents and actual events or statements made so that the Company can perform as thorough an investigation as possible and take appropriate remedial measures where inappropriate conduct has been found to have occurred. The Company will make reasonable efforts to protect the privacy of any employee who makes a complaint or report of discrimination or harassment or who supplies any information pertaining to an allegation of discrimination or harassment, but, due to the Company's obligation to thoroughly investigate all allegations of discrimination or harassment, it cannot guarantee complete confidentiality with respect to any allegation or report of discrimination or harassment.

Employees may also direct any complaints of harassment or discrimination to the California Department of Fair Employment and Housing ("DFEH") or to the Equal Employment Opportunity Commission ("EEOC"). Contact information for the DFEH and the EEOC field office nearest an employee's work location can be found in the telephone directory.

Supervisor/Manager Responsibilities

Supervisors and managers must deal quickly and fairly with all allegations of discrimination or harassment, whether or not there has been a written or formal complaint. This responsibility requires that a supervisor or manager receiving a complaint or report of discrimination or harassment, or witnessing conduct that may constitute unlawful harassment, to immediately report the fact of the complaint and any supporting information to Human Resources, ensure that an investigation is immediately commenced, and take appropriate corrective action pursuant to guidance provided by Human Resources. Supervisors and managers who tolerate discrimination or harassment and/or who fail to comply with any the responsibilities listed above will be subject to disciplinary action, up to and including termination of employment.

Investigation

Every good faith complaint of discrimination and harassment will be followed by a fair, complete and timely investigation. The investigation will be as thorough as possible based on the information provided to the Company. Menzies Aviation will attempt to keep the investigation as confidential as is reasonably possible and will disclose information pertaining to a complaint or report of discrimination or harassment on a strict "need to know" basis, but cannot guarantee complete confidentiality due to its obligation to thoroughly investigate every allegation of discrimination and harassment. Interference with an investigation into a complaint of alleged harassment or discrimination is prohibited, and will result in disciplinary action up to and including termination of employment. Likewise, a complaint of harassment or discrimination that is found to have been made in bad faith will subject the complainer to disciplinary action, up to and including termination of employment. However, where the investigation into a complaint of alleged harassment or discrimination does not reveal a violations of this policy, that does not necessarily mean the complaint was made in bad faith.

Discipline

Employees found to have violated the Company's policy of zero tolerance with respect to discrimination and harassment are subject to disciplinary action, up to and including immediate termination of employment.

Prohibition On Retaliation

The Company will not tolerate retaliation toward any individual who submits a complaint of discrimination or harassment, who provides any information pertaining to an alleged incident of discrimination or harassment or who participates in an investigation into an alleged incident of discrimination or harassment. Any individual found to have retaliated against anyone for making a complaint or providing information relating to an alleged incident of harassment or discrimination will be disciplined, up to and including discharge from employment.

2.6 Reasonable Accommodation

The Company will not discriminate against qualified individuals with disabilities in any aspect of the employment relationship, and will attempt to reasonably accommodate a qualified individual with a known physical or mental disability to enable the employee to perform the essential functions of his or her job, unless doing so would create an undue hardship or pose a direct threat to the employee or others. The Company further will not discriminate against any individual based on his or her sincerely held religious beliefs and practices, and will attempt to reasonably accommodate an individual's sincerely held religious beliefs and practices.

Employees who believe they require or who are requesting an accommodation related to their disability in order to perform the essential functions of the job or an accommodation for their sincerely held religious beliefs and practices should contact both their supervisors and the Human Resources Department and describe the specific accommodation requested or required. The Company will communicate directly with the employee to explore possible accommodations and attempt to work out a mutually agreeable resolution.

2.7 Open Door Policy

The Company strives to maintain a positive work environment for all of its employees, and therefore maintains an open door policy and encourages employees to feel free to bring forward and discuss openly any work related concerns. No employee will be retaliated against for bringing forward any work-related concerns pursuant to this open door policy.

2.8 Safety Policy

Employee safety is the Company's top priority. Employees must comply with all safety regulations, whether established by the Company or by federal, state, or local law. Employees must report any/all safety hazards to their direct supervisors or the safety department.

The Company maintains a comprehensive Safety Manual that is regularly updated to ensure employees are aware of the most up-to-date safety standards. Employees are responsible for being familiar with the standards and protocols contained in that Safety Manual. However, due to the critical importance of safety in all that the Company does, highlights of the Safety Program are also repeated in this Handbook.



SECTION 4 – PERFORMANCE STANDARDS

4.1 Code of Conduct

Employee conduct is governed by certain rules and policies that are intended to ensure orderly operations and protect the interests and safety of all individuals. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. However, the following are examples of conduct that may result in disciplinary action, up to and including immediate termination of employment:

- Possession, distribution, consumption, or being under the influence of alcohol or illicit and/or illegal drugs (including non-prescription use of legal drugs) during working hours and/or while on Company or customer premises;
- Unauthorized possession, removal, theft, misappropriation or use of Company funds or property belonging to any employee, passenger or client, or to the Company;
- Falsification of employment records (including recording the work time of another employee or allowing any other employee to record your work time), employment information, or other records;
- Willful damage or destruction of property of another, which includes negligence or improper conduct leading to damage of said property;
- The possession or use of any firearm or weapon on the job, or on Company or customer premises, unless expressly permitted by law;
- Failure to effectively perform job duties;
- Insubordination, including but not limited to failure or refusal to obey reasonable workrelated orders or instructions of a supervisor or manager, failure to follow any work
 guidelines or Company policies, and the use of abusive, malicious and/or threatening
 language or conduct toward any coworker, customer, passenger, or client of the Company
 that causes or tends to cause a threatening, hostile or intimidating work environment;
- Failure to properly follow notification rules when unable to report to work;
- Failure to observe working schedules, including any scheduled or required break periods;
- Unauthorized or excessive absenteeism or tardiness;
- Sleeping on the job and while on working time;
- Working overtime without authorization or refusing to work assigned overtime;
- Gross misconduct while on Company property, or while conducting Company business, including: attempting bodily injury, fighting or threatening violence, boisterous or disruptive activity that interferes with your job duties, others' job duties, or passenger service;
- Sexual, racial, religious, ethnic, or any other unlawful harassment or discrimination;
- Violation of any safety or any security rule;
- Unauthorized disclosure of confidential financial data (not including information about your personal wages, benefits or terms and conditions of employment), or other non-public proprietary information of the Company, its business partners, or customers;
- Unauthorized use of airport identification badge or identification;
- Failure to report any employee injury or damage to Company or customer equipment;
- Wagering, betting, gambling, or encouraging such behavior on Company property; and
- Concealment or working time use of any video camera equipment, tape recorder, CD player, radio or other audio visual device, or the failure to report the concealment or use of these devices without supervisory approval.



Nothing in the foregoing Standards of Conduct modifies in any way the at-will nature of employment with the Company.

4.2 Progressive Discipline

The Company enforces work rules through discipline as necessary in order for the Company to maintain order, promote safety, and ensure quality work. The Company's progressive discipline policy is intended to correct misconduct or improper behavior with the goal of eliminating future occurrences of inappropriate conduct, though in certain circumstances immediate termination of employment may be deemed by the Company, in its sole discretion, to be necessary.

Depending on the nature of and severity of the inappropriate conduct, the Company may discipline employees through any of the below disciplinary steps. Repeated instances of inappropriate conduct will generally result in progression through the following disciplinary steps toward termination of employment. However, progressive discipline is not a "one size fits all" approach, and the Company may in its sole discretion skip one or more disciplinary steps. Furthermore, nothing in the Company's progressive discipline policy creates any expectation of continued employment or in any way alters the at-will nature of employment with Menzies Aviation.

Formal Or Informal Counseling

A supervisor or manager will meet with the employee, explain the unsatisfactory behavior and establish that the employee understands what is expected. The fact of the formal or informal counseling will be documented by the supervisor or manager and placed in the employee's personnel file.

Coaching

As with counseling, a supervisor or manager meets with the employee to discuss the unsatisfactory behavior and establish what is expected of the employee, notifying the employee that he or she has received a verbal warning. The supervisor or manager will document the discussion and a follow-up counseling date to determine whether or not the performance or conduct issue has been corrected. The verbal counseling documentation is placed in the employee's personnel file.

Written Warning

A written warning is the result of a more serious violation or a second violation addressed in a prior counseling session or verbal warning. A memo or reprimand is given to the employee and a copy is placed in his or her personnel file. Written warnings may take the form of a "final" warning indicating that subsequent unsatisfactory behavior will result in termination of employment.

Suspension

The employee is sent home without pay for a defined period of time depending on the seriousness of the offense and prior disciplinary action taken. During the suspension, the Company will assess the severity of inappropriate conduct and may decide to terminate the individual's employment upon return from suspension. Employees who are not terminated at the conclusion of a suspension are deemed to be on "final" warning.



Discharge

Termination of employment may either be the result of continuous and uncorrected behavior that has been addressed through previous disciplinary steps or the result of a single instance of inappropriate conduct depending on the nature of infraction.

4.3 Attendance

In any organization such as ours, where the flow of work depends upon the cooperation, coordination and teamwork of a number of people, the absence or tardiness of one person can delay and interfere with the work of others. As part of the expectation that employees conduct themselves in a professional manner, the Company requires employees to report to work as scheduled, on time and ready to start their job duties. The Company also requires employees to remain at work for the duration of their entire shift, except for any meal or break periods, or where otherwise excused from work by a supervisor.

The Company maintains a formal and separate attendance policy with which you are expected be familiar. Generally speaking, under that policy, failure to comply with attendance requirements will result in disciplinary action for unexcused tardiness, unauthorized absence, or no-call/no-show absence. Three (3) consecutive no-call/no-shows is considered job abandonment and will result in immediate termination of employment. Other attendance violations will normally be addressed through the disciplinary steps set forth in the separate written attendance policy, though the Company may in its sole discretion address employee attendance concerns in a manner different from the separate written attendance policy.

Under some circumstances, absence or tardiness on your part may be excused, but only if you give proper notice as described in the attendance policy of such a problem before the start of your shift so that other arrangements can be made to cover your absence, if necessary.

4.4 Alcohol and Drug Abuse

The Company is committed to providing employees, customers, and the general public with a safe, comfortable, and productive work environment. As part of our effort to provide a drug-free work environment, new employees must undergo a pre-employment drug test. As a condition of employment, employees must agree, in writing, that drug test results may be furnished and used by the Company. Refusal by an applicant or employee to submit to a drug or alcohol test administered in accordance with this policy, or refusal to permit the test results from being furnished to the Company will result in the employee's termination for violation of this policy. Applicants and employees who are subject to Department of Transportation regulations may be subject to separate testing requirements.

The Company does not discriminate against employees with drug or alcohol addictions on the basis of that addiction, but does reserve the right to discipline employees who violate this policy.

Employees who are prescribed medical marijuana must also comply with this policy. The Company does not discriminate against employees for engaging in lawful activities outside the workplace during non-working hours, so long as such lawful activity does not violate this policy or otherwise inhibit an employee from performing his or her job duties.



Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 276 of 312

EXHIBIT 20





John Menzies plc M
Code of Conduct

CONTENTS



Our Code

Everyone, Everywhere

Key Principles

Our People

Our Integrity

Our Assets

8

24 **HSSE & Risk Management**

Seporting A Violation Of Our Code

28

30

32

Guidance For Managers

(3) KIND WELL

Welcome to the new Code to guide us all in our decisic John Menzies plc. This is ou Our Code provides a set of the behaviour expected of the right thing, at the right time

the Group's policies more ceveryone to conduct busine integrity and refrain fronts. it underpins is fundameent could harm our reputation Failure to do so puts our Bu every level within our buston to understand and comply Our Code applies to every the Group. It is critical that

conflict with this Code. If the local practices that violated We operate in over 35 cour concerns about someone's No code of conduct can Strunsure about a decision 9c Compliance.

Please have the couragedo may, breach against anyone raising con

Thank you for your co-oper

John Geddes

EVERYONE,

Our Group operates in over: bound together by sharedac Our Code applies to every Group companies (includite interest). There are no excep You have a responsibility f

Whether you are new to the Group or|have been with us for many years, it is important you become familiar with this Code, understand it, and apply it in all that you do.

This Code is our roadmap and compass for doing business the right way.

guide our People make the correct choices in a consistent and ethical manner, whatever we do and Our Code of Conduct details the values, ethics and behaviours we expect and promote to help

wherever we do it.

OUR CODE

divisional or legal structure of the Group Details of the Board and its Committees must also be approved by the Board

significant action. Any changes to the

Company's stakeholders for all policies and activities of the Group and the approval of the Board is required prior to the adoption of any material policy or the taking of any

Company is ultimately responsible to the

Board - The Board of Directors of the

http://www.johnmenziesplc.com/investorcentre/corporate-governance/ourcommittees/

can be found on our website at:

HELPFUL RESOURCES

OUR PEOPLE OUR PRINCIPLES

talented employee base. We are committed to having a diverse workforce and creating a workplace shareholder value are dependent uporpattracting and retaining a highly-skilled, motivated and that promotes mutual trust and respect. Everyone should feel they are treated with dignity and Our People are our most highly-valued resource: our operational performance and delivery of empowered to reach their full potentia

Employees with any concerns or issues are encouraged to discuss these with their Line Manager or an HR representative to ensure prompt resolution.

OUR EXPECTATIONS

A WORKPLACE FREE FROM HARASSMENT AND INTIMIDATION

actions that might reasonably be considered to be and harassment and in an environment where we We all have a right to work free from infimidation harassment is strictly forbidden and this includes feel safe and comfortable. Any form of abuse or offensive or discriminatory.

We expect all employees to treat each other with courtesy, dignity and respect.

Report any incidents to your Line Manager or Help create a work environment free from harassment and intimidation.

representative of the societies in which we operate. organisation, we aim for a workforce that is Keport any incidents to your Line Manage HR representative.

Solversity AND INCLUSION

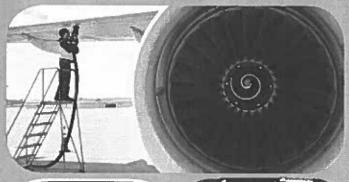
926We actively promote tolerance and diversity at every level of our business. As a global

discrimination in the workplace. We seek to create As such, we are committed to providing equal opportunities and avoiding any form of unfair an environment of inclusion and acceptance.

EQUAL OPPORTUNITIES

training, promotion and reward promote equality of opportunity, regardless of background and Our policies and procedures for recruitment, personal circumstances. All work-related decisions are based on merit, inappropriate behaviour are never acceptable identity, marital status, disability or any other not on race, colour, national origin, religion, characteristic protected by applicable laws. Offensive remarks, messages or jokes and gender, age, sexual orientation, gender and will not be tolerated













How to contact us:

If, having read this Code of Conduct, you require further information, you should contact:

Group Compliance
John Menzies plc
2 Lochside Avenue
Edinburgh
EH12 9DJ

+44 (0)131 225 8555

compliance@johnmenziesplc.com

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 282 of 312

EXHIBIT 21

It has been very hard latley to work with co-worker Ray Navarow he does been very rude to me by toling me that the company don't need me, that I'm a bud Supervisor, and un I do 15 Cause dolays. I try to Ignore him but he follows he Wound & loves to make a big Serence in front of Other Workers, then that's were I get upset not tell him to Stop and go do his Job but be keers following me making hand gestures luk also saying he will turn in a petition aginst me. One More thing he says I steel time when I'm on AGA Working making Sure the transition goes well I'm off at Il but Sometimes \$ 5tuff harrows on the ADA Lefore 50 I Stry to help of Solve, Ray shows up at 5130 or 90m When Renal told him not to come early anymove to come in JEHI at his time. Andrew Dodge 8-16-18

MENZIES_000089

Mon, Aug 13, 2:24 PM

Here it is again about the petition but this time it's from his own words about it he causing a lot of issues with the guys again



calling out

Ray Navarro



Im not feeling well

Who is the bad supervisor maybe you because everytime you are the supervisor more people call in see right now 4 guys call in and remember all people sign to that petition agains you but i never submit it yet

All the delay to your

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 285 of 312

EXHIBIT 22

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 286 of 312

To : Menzies Management

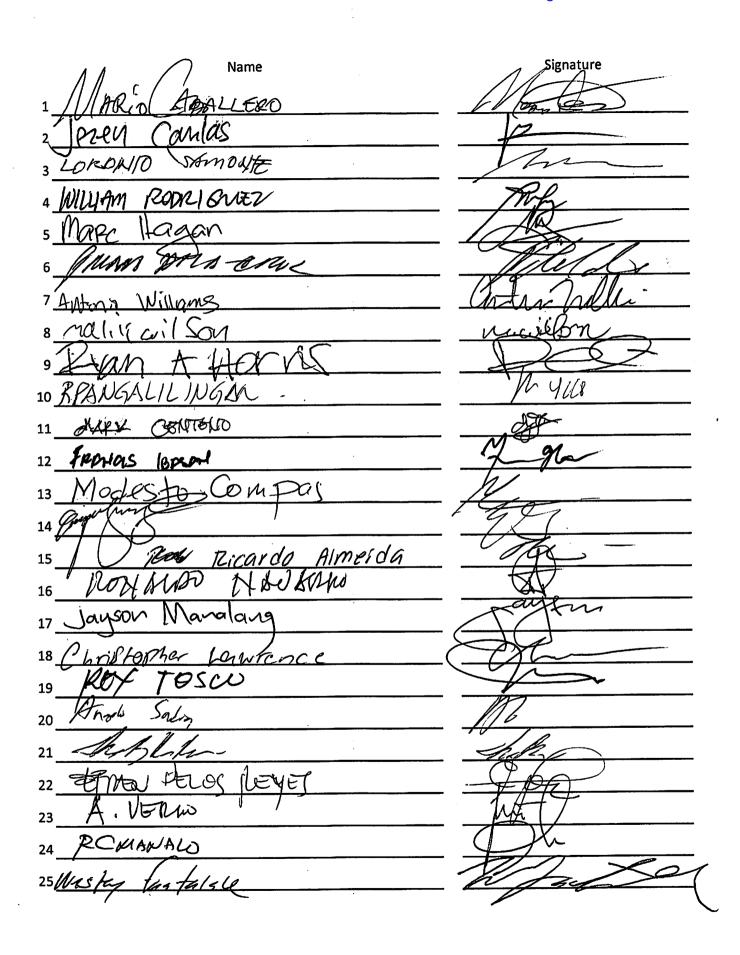
Sir/ madam,

We the fuelers on Menzies 130 side would like to make a petition against Andrew Dodge. The way he supervised is very unprofessional when he run the operation or supervised, people are not taken their breaks it's because the way he set up the flights, and he always blaming the people there's a delay or always saying lack of man power and trucks issues. The truth is he doesn't know how to run the show, we also addressed the problem to the higher position managers (Nicco, John and renil) as usauls nothing happened, looks like they always covering his mistake or maybe these managers don't know anything about fueling also like Andrew Dodge lack of experience about fueling.

We think this is the right time to broadcast the problem in this company. We are hoping this problem will be address.

Sincerely Yours,

Menzies fueler



		name		signature
1_	Jucy	HACAPAGAL	:	Soek
			<	
3				
4				
6 6				
7 7				
′ — 8				
°— 9				H
⁹ —				
10			-	
12				
13				
•				
14				
¹⁵ —			-,	
16				
¹⁷ —				
¹⁸				
				· · · · · · · · · · · · · · · · · · ·
20				
²¹ —				
22				
23			·	
	· · · · · · · · · · · · · · · · · · ·			

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 289 of 312

On 8/23/2018 I John Qually served the suspension document to Reynaldo Navarro. He looked it over for a few minutes and then I asked him if he was going to sign it. He said he would not. At that time, I put refused to sign and I signed the document. Later after Tevita Tokataha arrived and working on his set up Ray was complaining why he was being suspended instead of Andrew. He showed me a picture of Andrew sleeping in the truck and said that long time back Andrew was stealing time or sleeping on the job and nothing was done with that. As far as the petition he said that all the guys that signed it are all adults and can read what it's all about before signing it and making it sound like they did so of their own free will. Just before he left he was saying that he hopes that he does get terminated so he can go to his Lawyer and file a suit against the company for being biased or harassment and get 2 years pay like he did with Swissport.

John Qually

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 291 of 312

Some people working in Mensis as a fueller on 130 sides have always complained to Andrew. They often call him but he does not reply to the cellphone, if there is a problem, we keep calling him and he is sleeping, so everyone is reporting to me and there is one hour of them looking at andrew he is asleep as to why the fueller took a picture of him and send it to me.if andrews hours of duty they always have a delay and the fueller ask him about the airline complain that they always ask who is the supervisor. The fueller said it's Andrew and they just shaking their head and they said thats why its delay again, if the fueller tell Andrew he said dont worry about it. I'm just wondering why you suspended me because of helping the people and my concern in this company. If this is the benefits for the sake of my concern. I will not intervene again just do and focus my job

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 293 of 312

On the morning of ogintois I signed a piece of paper to which, was not felly aware of the condents listed there willing my normal state of mind when arriving to work, is not always felly aware of all tashings out side of work related issues. Endenthalists In agards to Manzies aviation personel I wish to comin In agards to Manzies aviation personel I wish to comin Coecheous and respectfully entirely comfortable with my signature on the afore mentioned paper work, after with my signature on the afore mentioned paper work, after with my signature on the afore mentioned paper work, after with my signature on the afore mentioned paper work, after with my signature on the afore mentioned paper work, after with my signature on the first continued paper work, after with my signature on the first continued paper work, after will bake the full discourse of it's continued on make some I will bake the first all steps neccessary to make some I will bake the submitted in involving myself will not occord again.

ISIAH BANKS

٠.,٠٠

Renaldo Na varro had me explained to me what it was for Sign the papers with out fully and I feel really uncompanyable I was told to sign on. Les bemit put in that position and disafree 100% with what

OHRISTOPHER LAWRENCE

HP, on August 17 I signed a list. I did not know this list is a Petition to remove Supervisor Andrew Dodge from his position. I do not want Supervisor Andrew Dodge to loose his position. Please remove My name from that list. Also, I think that petition is illegal and that it goes against Menzies Companie policy.

Thank you

ARIO CABALLERO SALABAR

ALLERO SALABAR

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 297 of 312

Tracy Aguilera

From:

Raul Vargas

Sent:

Wednesday, August 29, 2018 5:01 PM

To:

Tracy Aguilera

Cc:

Talin Bazerkania; Kevin Brown

Subject:

RE: Reynaldo Navarro

Hello Tracy,

Based in your email bellow, where you mention that Raynaldo Navarro, as a member of the management team, was soliciting signatures and intimidating Employees to sign a petition. Please proceed with the termination of Reynaldo Navarro.

We cannot allow our management team to harass our people in any way.

There is another supervisor involved in this petition letter. Could you also open an investigation for July Magapagal.

Best Regards

Raul Vargas

Director | Operations | San Francisco | Menzies Aviation

M +1 415 290 4060 | www.menziesaviation.com

----Original Message----

From: Tracy Aguilera

Sent: Wednesday, August 29, 2018 4:04 PM

To: Raul Vargas < Raul. Vargas@menziesaviation.com >

Cc: Talin Bazerkania <talin.bazerkania@menziesaviation.com>; Kevin Blumberg <kevin.blumberg@menziesaviation.com>

Subject: Reynaldo Navarro

Raul,

Please see My documented findings below that I originally sent and Kevin statement. I have also attached the statements from the Employees and the petition.

I can only make a recommendation, the final decision is yours.

I cannot have the meeting with Rey at 4:30 today without a decision.

Kind Regards,

Tracy

Tracy M. Aguilera

Human Resource Manager | Menzies Aviation Inc. I San Francisco

1601 Bayshore Highway | Suite 159 | Burlingame, CA 94010 | USA

M: (650) 697-7260 F: (650) 697-7229 Tracy.aguilera@menziesaviation.com

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC §§2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it

-----Original Message-----From: Kevin Blumberg

Sent: Wednesday, August 29, 2018 3:58 PM

To: Tracy Aguilera <tracy.aguilera@menziesaviation.com>

Subject: RE: Reynaldo Navarro

Tracy,

Based on the information provided via statement and conversation with employee Reynaldo Navarro, it has been found that there was unprofessional behavior by a supervisor. The supervisor (Reynaldo Navarro) was actively soliciting signatures from employees in an effort to petition against having Andrew Dodge as a Supervisor. Several employees indicated in statements that they were told to sign a document but were not advised what the document was. Employees followed the instructions of their supervisor to avoid confrontation.

Kevin Blumberg
Safety and Security Manager | Menzies Aviation | San Francisco

M: +1 650 490 0040 | www.menziesaviation.com

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC §§2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it

----Original Message----

From: Raul Vargas

Sent: Wednesday, August 29, 2018 2:30 PM

To: Tracy Aguilera

Subject: RE: Reynaldo Navarro

Hello Tracy,

Could you please explain this recommendation.

Regards

Raul Vargas

Director | Operations | San Francisco | Menzies Aviation

M +1 415 290 4060 | www.menziesaviation.com

----Original Message-----From: Tracy Aguilera

Sent: Tuesday, August 28, 2018 4:27 PM

To: Raul Vargas < Raul. Vargas @menziesaviation.com >

Subject: Reynaldo Navarro

Raul,

After reviewing the case with my HR Director, our recommendation is not to terminate the employee at this time. However, since this is just a recommendation, please advise if you still would like to move forward with the termination

Kind Regards,

Tracy

Tracy M. Aguilera
Human Resource Manager | Menzies Aviation Inc. | San Francisco
1601 Bayshore Highway | Suite 159 | Burlingame, CA 94010 | USA
M: (650) 697-7260 F: (650) 697-7229
Tracy.aguilera@menziesaviation.com

NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC §§2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it

He is the Fueling Supervisor going around and having Employee's sign a petition to have another Supervisor, Andrew Dodge removed from the Operation. I had heard about this from Employee but no one could tell me who generated it until I seen the text message Rey sent to Andrew.

Then Charles from the Union called and said Management was trying to get their Members to sign a petition and make statements.

Kind Regards,

Tracy

Tracy M. Aguilera Human Resource Manager | Menzies Aviation Inc. | San Francisco 1601 Bayshore Highway | Suite 159 | Burlingame, CA 94010 | USA M: (650) 697-7260 F: (650) 697-7229 Tracy.aguilera@menziesaviation.com

```
> On Aug 27, 2018, at 5:11 PM, Tracy Aguilera <tracy.aguilera@menziesaviation.com> wrote:
>
> Talin,
> I have attached documents from the investigation of Reynaldo Navarro(Fuel Supervisor non-Union):
> 8/23/2018 John Qually, Operations Manager Fueling, statement when suspending Reynaldo for "Code of Conduct"...
However, before Reynaldo walked out of the meeting, he specifically said, to terminate him, so he could go to his lawyer
and win 2 years of pay like he did with Swissport.
> 8/20/2018 10:00 AM Reynaldo did not show up for the meeting in HR
> Copy of the Petition that Reynaldo was having Union Fuelers sign, trying to get Andrew Dodge removed (2 Supervisors
signed it, Reynaldo Navarro & July Magpantay.)
> Written complaint from Andrew Dodge
> Copy of Text Message from Rey to Andrew trying to hold the petition over Andrew
> Copy of two statements from Fuelers, Isiah Banks & Christopher Lawrence stating they did not feel comfortable signing
the petition, but did
> Approx. 2 weeks prior, I received a call from Charles, Union Rep. stating that someone was forcing the Fuelers to sign a
petition. I asked him who and for a copy, however he has not called back
> Now today, 10/27/2018 Raul Vargas receives the same petition from Rafael Martinez, no signature just wanting Andrew
removed- I did not attached it to this email
> It is not appropriate for a member of the Management team to solicited signatures or try and intimidate Employees to
sign a petition.
> ADR on File & Signed.
> Please advise as Reynaldo will be in tomorrow at 10:00AM.
> Kind Regards,
> Tracy
> Tracy M. Aguilera
> Human Resource Manager | Menzies Aviation Inc. | San Francisco
> 1601 Bayshore Highway | Suite 159 | Burlingame, CA 94010 | USA
> M: (650) 697-7260 F: (650) 697-7229
> Tracy.aguilera@menziesaviation.com
>
```

```
> [cid:image002.jpg@01D21B33.80386FB0]<a href="https://www.menziesaviation.com/">http://www.menziesaviation.com/>
> NOTICE: This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC §§2510-2521, is confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply to the sender that you have received the message in error, then delete it
> 
> <2018_08_27_16_19_20.pdf>
> <image001.jpg>
```

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 303 of 312

We the fuelers on Menzies 130 side would like to make a petition against Andrew Dodge.

The way he supervises is very unprofessional. When Andrew is in charge of running the operation or supervises people, he will not provide people with their rest and lunch breaks, due to a poor flight set up.

Andrew always blames the people if there is a delay and lies and places blame on lack of man power or hydrant truck issues. The truth is that Andrew does not know how to run the operation.

We have tried to address these issues with upper management, but this issue has never been addressed by management and it continues.

Andrews lack of knowledge and experience of the fueling operation on the 130 continues to hurt both the employees and the company Menzies Aviation. We are asking that the company management resolve this issue.

We the fuelers would like Andrew Dodge demoted from supervisor at the 130 side or removed from the 130 operation side.

	NAME	SIGNATURE
2	M. Compas	A
3	J.C.HIN	100
4	A. VERNO	Min
5	j Manalang	Joen Sur
4	Anonymous	XXX
7	JOSE MAGO	A fall
8	Z CMANALO	
9	LSAMONTE	Amrico
10	J. CANLAS	pr
11	Rohit Kumar	Motor
12	Wester Faatalale	as Jantella
13	Macin willow	M cocl Sou
14	WILLIAM ROOMGNEY	They
15	AXXSTACIO MAXIUCI	1 de Klend
14	Rua Gress	
17	Hoels Centers	Coffee .
(Ŷ	17 GATOS	THE W
19	Ricardo Almeida	Pa
20	pty Tosov	
2\	Partite Moran	

22	RPANGALILINGAN	AM
23	T. NELOS NEURS -	
24	Marc Hagan	
25	Monthew Sage	marken
24	Myno DATA CAUZ	/hello1
27 /	for mes all a	April Show
28	2 A BAR VASQUEZ	1 Demis
29		
30		
		·
L		<u> L</u>

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 307 of 312

To whom it may concern,

My name is Rafael Vasquez I am an SEIU Union Shop Steward for Menzies Aviation at SFO International Airport

On September the 6, 2018

I was asked by the Menzies Aviation Fuelers on 130 side to write up a Petition on behalf of the Fuelers on 130 side vs Andrew Dodge.

The petition was written out and signed by the Fuelers on 130 side of the SFO Team.

The petition was then officially turned into the SEIU Union Hall. In Addition a copy of the Petition against Supervisor Andrew Dodge was also turned into the Menzies Aviation Fueling Director Raul Vargas.

There have been two separate Petitions turned into Menzies Aviation Fueling Department Director Raul Vargas.

To date there has been no action taken by the Menzies Aviation Management Team to address the Petitions to have Mr. Andrew Dodge demoted from his Supervisory role at the 130 side.

I have spoken to The Menzies Aviation Fueling Director Raul Vargas on three separate occasions regarding Mr. Andrew Dodge, who continuous to abuse his authority and at times harass Fuelers under his charge.

If there is any further information that I may be able to provide please feel free to contact me at (510) 715-0014.

Thank you,

Rafael Vasquez

Case 3:19-cv-08157-VC Document 28-1 Filed 10/15/20 Page 309 of 312





To whom it may concern,

My name is Rafael Vasquez I am an SEIU Union Shop Steward for Menzies Aviation at SFO International Airport

On September the 6, 2018
I was asked by the Menzies
Aviation Fuelers on 130 side to
write up a Petition on behalf of
the Fuelers on 130 side vs
Andrew Dodge.

The petition was written out and signed by the Fuelers on 130 side of the SFO Team.

The petition was then officially turned into the SEIU Union Hall. In Addition a copy of the Petition against Supervisor Andrew Dodge was also turned





iMessage





















Andrew Dodge was also turned into the Menzies Aviation Fueling Director Raul Vargas.

There have been two separate Petitions turned into Menzies Aviation Fueling Department Director Raul Vargas.

To date there has been no action taken by the Menzies Aviation Management Team to address the Petitions to have Mr. Andrew Dodge demoted from his Supervisory role at the 130 side.

Aviation Fueling Director Raul Vargas on three separate occasions regarding Mr. Andrew Dodge, who continuous to abuse his authority and at times





iMessage



















address the Petitions to have Mr. Andrew Dodge demoted from his Supervisory role at the 130 side.

I have spoken to The Menzies
Aviation Fueling Director Raul
Vargas on three separate
occasions regarding Mr.
Andrew Dodge, who
continuous to abuse his
authority and at times
harass Fuelers under his
charge.

If there is any further information that I may be able to provide please feel free to contact me at (510) 715-0014.

Thank you,

Rafael Vasquez





iMessage















